

Exhibit 2

PX7060

1 Page 1

2 UNITED STATES OF AMERICA

3 FEDERAL TRADE COMMISSION

4 OFFICE OF ADMINISTRATIVE LAW JUDGES

5 - - - - - X

6 In the Matter of :
7 :
8 MICROSOFT CORPORATION, :
9 :
10 a corporation :
11 :
12 : Docket No. 9412
13 and :
14 :
15 ACTIVISON BLIZZARD, INC., :
16 :
17 a corporation :
18 - - - - - X
19 :
20 **** HIGHLY CONFIDENTIAL ****
21 :
22 :
23 Remote Videotaped Deposition of PHILLIP EISLER
24 Wednesday, April 12, 2023
25 8:35 a.m. (PDT)
26 :
27 :
28 Job No. 6355411
29 :
30 Pages: 1 - 206
31 :
32 Reported by: Dana C. Ryan, RPR, CRR

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 April 12, 2023</p> <p>6 8:35 a.m. (PDT)</p> <p>7</p> <p>8</p> <p>9</p> <p>10 Remote Videotaped Deposition of PHILLIP</p> <p>11 EISLER, held via Zoom video teleconference, before</p> <p>12 Dana C. Ryan, Registered Professional Reporter,</p> <p>13 Certified Realtime Reporter, State of Georgia</p> <p>14 Certified Court Reporter, State of Washington</p> <p>15 Certified Court Reporter and Notary Public in and</p> <p>16 for the State of Alabama and the District of</p> <p>17 Columbia.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1 A P P E A R A N C E S C O N T I N U E D</p> <p>2</p> <p>3 ON BEHALF OF MICROSOFT CORPORATION:</p> <p>4 KERI ARNOLD, ESQ.</p> <p>5 EMILY CLARKE, ESQ.</p> <p>6 Wilkinson Stekloff LLP</p> <p>7 2001 M Street, Northwest</p> <p>8 10th Floor</p> <p>9 Washington, D.C. 20036</p> <p>10 Telephone: (202) 847-4000</p> <p>11 Email: karnold@wilkinsonstekloff.com</p> <p>12 Email: eclarke@wilkinsonstekloff.com</p> <p>13</p> <p>14</p> <p>15 ON BEHALF OF ACTIVISION:</p> <p>16 BRADLEY J. PIERSON, ESQ.</p> <p>17 Skadden Arps Slate Meagher & Flom, LLP</p> <p>18 One Manhattan West</p> <p>19 New York, New York 20001</p> <p>20 Telephone: (212) 735-3000</p> <p>21 Email: bradley.pierson@skadden.com</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p style="text-align: center;">Page 10</p> <p>1 P R O C E E D I N G S</p> <p>2 THE COURT REPORTER: The attorneys</p> <p>3 participating in this deposition acknowledge that</p> <p>4 I am not physically present in the deposition room</p> <p>5 and that I will be reporting this deposition</p> <p>6 remotely.</p> <p>7 They further acknowledge that, in lieu</p> <p>8 of an oath administered in person, the witness</p> <p>9 will be sworn remotely and declare his testimony</p> <p>10 in this matter is under penalty of perjury.</p> <p>11 The parties and their counsel consent</p> <p>12 to the arrangement and all objections are waived</p> <p>13 to this manner of reporting unless so indicated at</p> <p>14 this time.</p> <p>15 (Brief pause.)</p> <p>16 THE COURT REPORTER: Hearing no</p> <p>17 objections, I will now swear the witness.</p> <p>18 Will you please raise your right hand,</p> <p>19 sir?</p> <p>20 *****</p> <p>21 PHILLIP EISLER,</p> <p>22 having been duly sworn, testified as follows:</p> <p>23 *****</p> <p>24 MR. BONANNO: Before we get started, as</p> <p>25 everyone at this deposition knows, Nvidia is a</p>	<p style="text-align: center;">Page 12</p> <p>1 the record?</p> <p>2 A My name is Phillip Eisler.</p> <p>3 Q I'm going to be asking you questions</p> <p>4 today about Microsoft's proposed acquisition of</p> <p>5 Activision Blizzard.</p> <p>6 If I used the term "proposed</p> <p>7 acquisition" or "proposed transaction" today, will</p> <p>8 you understand that to mean that I'm referring to</p> <p>9 Microsoft's proposed acquisition of Activision?</p> <p>10 A Yes, I do.</p> <p>11 Q And this hearing will be conducted</p> <p>12 remotely under the FTC rules. Since we are doing</p> <p>13 this hearing remotely, can you please tell me</p> <p>14 where you are located?</p> <p>15 [REDACTED]</p> <p>16 Q And is anyone else present in the room</p> <p>17 with you today?</p> <p>18 A No, other than my -- oh, my dog is not</p> <p>19 here, but okay. He comes in and out.</p> <p>20 Q That's perfectly fine.</p> <p>21 Have you ever been deposed before?</p> <p>22 A I have once before.</p> <p>23 Q Okay. So just to go over some of the</p> <p>24 ground rules as a reminder, the court reporter is</p> <p>25 transcribing everything we say. The court</p>
<p style="text-align: center;">Page 11</p> <p>1 third party. We have concerns about</p> <p>2 confidentiality. I don't know exactly how that</p> <p>3 works under the protective order for the prior</p> <p>4 three proceedings.</p> <p>5 I'm assuming I can just designate the</p> <p>6 entire transcript as confidential, and we can deal</p> <p>7 with the specifics as we get closer to trial if</p> <p>8 there's something that either party or the ALJ</p> <p>9 believes needs to be in the public record.</p> <p>10 So I'm going to designate the entire</p> <p>11 transcript right now as confidential unless you</p> <p>12 tell me there's something else I need to do to</p> <p>13 preserve confidentiality.</p> <p>14 MS. CALLAN: That sounds perfectly</p> <p>15 fine.</p> <p>16 MR. BONANNO: Okay. Thank you.</p> <p>17 EXAMINATION BY COUNSEL</p> <p>18 FOR THE FEDERAL TRADE COMMISSION</p> <p>19 BY MS. CALLAN:</p> <p>20 Q Good morning, Mr. Eisler. My name is</p> <p>21 Nicole Callan, and I'm an attorney with the</p> <p>22 Federal Trade Commission. I'm joined by my</p> <p>23 colleagues Alex Ansaldo, James Weingarten and</p> <p>24 Stephen Santulli.</p> <p>25 Would you please state your name for</p>	<p style="text-align: center;">Page 13</p> <p>1 reporter cannot record gestures or nods, so please</p> <p>2 respond to all questions verbally.</p> <p>3 If you don't understand a question,</p> <p>4 please just let me know, and I will repeat it or</p> <p>5 rephrase it. If you do answer a question, I will</p> <p>6 assume that you understood it. And if you don't</p> <p>7 know the answer to a question, please just say so.</p> <p>8 Do you understand those instructions?</p> <p>9 A I do.</p> <p>10 Q In response to some of my questions, an</p> <p>11 attorney might object. Those objections are for</p> <p>12 the record. So unless the question calls for</p> <p>13 privileged information or your counsel</p> <p>14 specifically instructs you not to answer, you</p> <p>15 should go ahead and answer the question after the</p> <p>16 objection.</p> <p>17 Do you understand you've taken an oath</p> <p>18 to tell the truth today?</p> <p>19 A I do.</p> <p>20 Q And is there anything that may affect</p> <p>21 your ability to give truthful and complete</p> <p>22 testimony today?</p> <p>23 A No.</p> <p>24 Q What is your current title?</p> <p>25 A I'm vice president and general manager</p>

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Page 14 1 of GeForce NOW cloud gaming at Nvidia. 2 Q And how long have you worked at Nvidia? 3 A Since 2009. 4 Q And how long have you led the GeForce 5 NOW business? 6 A Since 2011. 7 Q Who do you currently report to? 8 A Jeff Fisher. 9 Q Who is Jeff Fisher? 10 A He's the senior vice president of the 11 GeForce gaming business unit. 12 MR. BONANNO: Ms. Callan, before you 13 ask another question, it could just be me, but I'm 14 having trouble with your audio. 15 Mr. Eisler, can you hear the 16 questioning clearly? And, Madame Court Reporter, 17 are you able to hear Ms. Callan's questions 18 clearly? 19 THE COURT REPORTER: She garbles 20 sometimes. She comes in and out sometimes for me. 21 THE WITNESS: I actually have trouble 22 hearing the court reporter, Dana. She's a little 23 soft. But I can hear Nicole. 24 MR. BONANNO: Okay. Well, I don't want 25 to slow things down. Mr. Eisler, if at any point	Page 16 1 Q And I think you said you have access to 2 the Box platform. You might need to refresh once 3 the document is loaded. 4 A Okay. I'm refreshing. 5 Q And you'll see something called a PX 6 number in the bottom right corner of every 7 document I show you today, and I'll use those 8 numbers to direct you to the page that I'm 9 referring to. 10 A It still says there's no items in this 11 folder. Maybe it takes a while? 12 Q Yeah, we're in the process of loading 13 it, so it will just take a moment. 14 Okay. It should be there now. 15 A Okay. I see a document. I should open 16 this. 17 Q Yes. 18 A Okay. I have it open. 19 Q And is PX8000 the declaration you 20 signed related to the proposed transaction? 21 MR. BONANNO: Mr. Eisler, please feel 22 free to scroll through the document to make sure 23 you've reviewed the entire document and are 24 comfortable with its contents before answering any 25 questions.
Page 15 1 you can't hear Ms. Callan's questions, please just 2 let her know so that you can make sure you can 3 clearly understand the question before you answer. 4 THE WITNESS: Okay. I will do. 5 BY MS. CALLAN: 6 Q Mr. Eisler, how long have you reported 7 to Jeff Fisher? 8 A Since I joined Nvidia in 2009. 9 Q And what are your current 10 responsibilities? 11 A I'm responsible for all cloud gaming at 12 Nvidia, so running the GeForce NOW service in 13 terms of the business aspect of running that 14 business. 15 Q And you signed a declaration in 16 response to a subpoena from the FTC related to 17 Microsoft's proposed acquisition of Activision; is 18 that correct? 19 A That's correct. 20 Q So I'd like to show you a document. 21 It's been premarked as PX8000. 22 (PX Deposition Exhibit 8000 was 23 identified for the record and attached to the 24 transcript.) 25 BY MS. CALLAN:	Page 17 1 THE WITNESS: (Reviews document.) 2 Yes, that is the document that I 3 signed. 4 BY MS. CALLAN: 5 Q If you turn to the page ending in 015, 6 is that your signature on the left? 7 A That's my signature on the right, yes. 8 Q And you signed this on December 2nd, 9 2022; correct? 10 A That's correct, yes. 11 Q Did you review this declaration before 12 you signed it? 13 A Yes, I did. 14 Q And was everything in this declaration 15 accurate at the time? 16 A Yes, it was. 17 Q You can set that aside. 18 Have you participated in any calls with 19 the UK CMA related to the proposed transaction? 20 A Yes, I have. 21 Q And when were those calls? 22 A Actually, you'd have to remind me of 23 the dates. 24 MR. BONANNO: Mr. Eisler, just testify 25 to the best of your personal recollection. If you

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<p style="text-align: right;">Page 18</p> <p>1 don't recall the specific dates or details --</p> <p>2 THE WITNESS: I don't recall the 3 specific dates, but I think it was the 4 January/February time frame, I believe.</p> <p>5 BY MS. CALLAN:</p> <p>6 Q How many calls did you participate in?</p> <p>7 A To be honest, my mind is a little foggy 8 between the UK ones and the Brussels ones.</p> <p>9 You know, I think between the two of 10 them, there's been at least one call with each, 11 and there's been some documents sent back and 12 forth. But that's my best recollection.</p> <p>13 Q Was your meeting with the European 14 commission in person?</p> <p>15 A I participated via video conference.</p> <p>16 Q And have you seen a transcript of any 17 of the calls that you participated in with the 18 CMA?</p> <p>19 MR. BONANNO: Objection to form.</p> <p>20 THE WITNESS: I have received 21 transcripts from some of the calls, yes.</p> <p>22 BY MS. CALLAN:</p> <p>23 Q Have you seen a transcript of a call 24 from any of the meetings with the CMA 25 specifically?</p>	<p style="text-align: right;">Page 20</p> <p>1 BY MS. CALLAN:</p> <p>2 Q PX3103 appears to be the transcript of 3 a call with Nvidia and -- and to the UK CMA called 4 via Microsoft Teams on January 9th, 2023.</p> <p>5 And if you refresh, you'll see the 6 documents.</p> <p>7 A Yeah, I see it. I see it now.</p> <p>8 Q Okay.</p> <p>9 A (Witness reviews document.)</p> <p>10 Okay. I scanned the 103 document. Did 11 you say you were sending me two documents or one?</p> <p>12 Q We uploaded two. We can start with 13 PX3103.</p> <p>14 A Okay. I've scanned that one.</p> <p>15 Q Have you seen that document before?</p> <p>16 A Yes, I have.</p> <p>17 Q And did you have an opportunity to 18 review this transcript?</p> <p>19 A Yes, I did.</p> <p>20 Q And is this an accurate transcript?</p> <p>21 MR. BONANNO: Objection to form.</p> <p>22 THE WITNESS: To the best of my 23 knowledge, it's accurate, yes.</p> <p>24 BY MS. CALLAN:</p> <p>25 Q And who from Nvidia spoke at this</p>
<p style="text-align: right;">Page 19</p> <p>1 A I read a lot of documents about this. 2 I believe that I have seen one of those, yes.</p> <p>3 Q Did you have an opportunity to correct 4 the transcript of that call?</p> <p>5 MR. BONANNO: Objection to form. No 6 foundation.</p> <p>7 BY MS. CALLAN:</p> <p>8 Q You can answer.</p> <p>9 A Yeah, generally I -- I work with our 10 legal team to review those documents, and I 11 believe I did so.</p> <p>12 Q And in the calls that you had with the 13 CMA, was the information that you provided 14 accurate at the time?</p> <p>15 MR. BONANNO: Objection to form.</p> <p>16 THE WITNESS: To the best of my 17 knowledge, it was accurate.</p> <p>18 BY MS. CALLAN:</p> <p>19 Q I'd like to show you two documents. 20 These have been premarked PX3103 and PX3104. 21 (PX Deposition Exhibit 3103 and PX 22 Deposition Exhibit 3104 were identified for the 23 record and attached to the transcript.) 24 MS. CALLAN: And these are being loaded 25 into Box now.</p>	<p style="text-align: right;">Page 21</p> <p>1 meeting?</p> <p>2 A There was myself; my boss, Jeff Fisher; 3 and also our chief counsel, Tim Teter.</p> <p>4 Q And did you agree with Mr. Teter's 5 statements at the meeting?</p> <p>6 MR. BONANNO: Objection to form. 7 Are there specific statements that you 8 would like to ask Mr. Eisler about that were made 9 during the meeting and reflected in the 10 transcript?</p> <p>11 BY MS. CALLAN:</p> <p>12 Q Mr. Eisler, you can answer.</p> <p>13 MR. BONANNO: Mr. Eisler, please take 14 your time and review all of Mr. Teter's statements 15 that are reflected in the exhibit that's in front 16 of you before you answer the question.</p> <p>17 THE WITNESS: (Reviews document.) 18 Yeah, from my initial read, I mean, his 19 statements look accurate to me.</p> <p>20 BY MS. CALLAN:</p> <p>21 Q And did you agree with Mr. Fisher's 22 statements at the meeting?</p> <p>23 A Is there a specific statement you have 24 in mind, or --</p> <p>25 Q No.</p>

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<p style="text-align: right;">Page 22</p> <p>1 But do you recall disagreeing with any 2 statements at this meeting?</p> <p>3 MR. BONANNO: Mr. Eisler, please go 4 ahead and review the document that's in front of 5 you, the transcript, before you answer the 6 question to the extent counsel is asking you about 7 all statements that were made by Mr. Fisher as 8 reflected in PX3103.</p> <p>9 THE WITNESS: I do not recall 10 disagreeing with any of Tim's statements.</p> <p>11 BY MS. CALLAN:</p> <p>12 Q And if Mr. Teter or Mr. Fisher made a 13 statement that you disagreed with, you would have 14 voiced that; right?</p> <p>15 MR. BONANNO: Objection to form.</p> <p>16 THE WITNESS: I would have -- I would 17 have commented during the review of the -- of 18 the -- of the document.</p> <p>19 BY MS. CALLAN:</p> <p>20 Q If you turn to PX3104, this appears to 21 be a January 12th, 2023 email from Trevor Soames 22 attaching an Nvidia slide deck.</p> <p>23 A (Witness reviews document.)</p> <p>24 Okay. I've reviewed the document.</p> <p>25 Q And do you recognize the presentation</p>	<p>1 department and the lawyers representing us.</p> <p>2 Q And did you review that final 3 presentation before it was sent to the CMA?</p> <p>4 A Yes, I did.</p> <p>5 Q And was the information in the 6 presentation truthful and accurate at the time?</p> <p>7 A Yes, to the best of my knowledge.</p> <p>8 Q And Microsoft and Nvidia have now 9 signed a GeForce NOW licensing agreement; is that 10 correct?</p> <p>11 A Yes, that's correct.</p> <p>12 Q Did you meet with the UK CMA after you 13 signed that agreement?</p> <p>14 A Oh, we talked to them before and after, 15 yes.</p> <p>16 Q And was the meeting after you signed 17 the agreement in February?</p> <p>18 A My recollection is that's about the 19 right timing, yes.</p> <p>20 Q If I call it the second CMA meeting, 21 will you understand that I'm referring to the 22 meeting that occurred after you signed the 23 agreement with Microsoft?</p> <p>24 MR. BONANNO: Object -- objection to 25 form.</p>
<p style="text-align: right;">Page 23</p> <p>1 that's attached to this email?</p> <p>2 A Yes, I do.</p> <p>3 Q What is it?</p> <p>4 A It was a presentation that we prepared 5 for the regulators regarding a transaction.</p> <p>6 Q And did you present this slide deck?</p> <p>7 A I don't believe that I did. I think -- 8 I don't -- I don't recall me personally presenting 9 it.</p> <p>10 Q Do you recall someone --</p> <p>11 A I think someone from our company did, 12 but I don't think it was me personally.</p> <p>13 Q And who was it presented to?</p> <p>14 MR. BONANNO: Objection to form.</p> <p>15 THE WITNESS: I know the document was 16 sent, you know, as the email states, to the CMA, 17 and I remember a discussion about it. I don't 18 know if it was -- I can't recall if it was 19 physically presented or not.</p> <p>20 I think we just talked to it in 21 general, but it wasn't, like, formally presented.</p> <p>22 BY MS. CALLAN:</p> <p>23 Q Do you know who wrote the presentation?</p> <p>24 A It was a collaboration of different 25 people from myself, our business unit, our DevRel</p>	<p style="text-align: right;">Page 25</p> <p>1 Ms. Callan, I might suggest for 2 clarity, given the witness' prior testimony that 3 he does not recall the number of meetings he may 4 have had with various regulators, that you come up 5 with a different shorthand way to refer to the 6 meeting that you have in mind.</p> <p>7 BY MS. CALLAN:</p> <p>8 Q Mr. Eisler, is there a shorthand way 9 that you would refer to the meeting?</p> <p>10 A Well, maybe you could call it 11 post-Microsoft agreement meeting. That would be 12 maybe clearer.</p> <p>13 Q Sure.</p> <p>14 Have you seen a transcript of the 15 post-Microsoft agreement meeting that you had with 16 the CMA?</p> <p>17 A I believe that I have, yes.</p> <p>18 Q And did you have an opportunity to 19 correct the transcript of that meeting?</p> <p>20 A In general, I reviewed them all, so I 21 believe that I did as well, yes.</p> <p>22 Q And was the information provided to the 23 CMA during the post-Microsoft agreement meeting 24 accurate at the time?</p> <p>25 A Yes, it would be accurate.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q Did you have talking points for the 2 post-Microsoft agreement meeting that you had with 3 the CMA?</p> <p>4 MR. BONANNO: Objection to form. 5 Privileged.</p> <p>6 Mr. Eisler, don't answer that question 7 to the extent it would require you to reveal 8 communications you've had with counsel, either 9 internal to the company or outside counsel.</p> <p>10 THE WITNESS: I don't recall us having 11 written down talking points.</p> <p>12 BY MS. CALLAN:</p> <p>13 Q Did Microsoft have any input on what 14 you should say during the post-Microsoft agreement 15 meeting you had with CMA?</p> <p>16 MR. BONANNO: Objection.</p> <p>17 Mr. Eisler, don't respond to this 18 question if it would require you to reveal 19 communications with counsel.</p> <p>20 THE WITNESS: We only had meetings with 21 counsel present.</p> <p>22 BY MS. CALLAN:</p> <p>23 Q And was your testimony shared with 24 anyone from Microsoft after the post-Microsoft 25 agreement meeting you had with the CMA?</p>	<p style="text-align: right;">Page 28</p> <p>1 what you're asking by that question.</p> <p>2 BY MS. CALLAN:</p> <p>3 Q Did you make any statements that were 4 not in response to questions from the European 5 commission?</p> <p>6 A This was -- in this meeting -- this was 7 a meeting after the license agreement or before? 8 I'm trying to remember which meeting 9 you're talking about.</p> <p>10 Q My understanding is that there was a 11 meeting on the day that the GeForce NOW listing 12 agreement was announced publicly with the European 13 commission; is that correct?</p> <p>14 A Yeah. Okay.</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 MS. CALLAN: We can go off the record 20 just briefly. The videographer is here, so we can 21 switch over to having the videographer put us on 22 the record.</p> <p>23 THE VIDEOGRAPHER: We are going off the 24 record at 1603 UTC time.</p> <p>25 (Recess -- 9:03 a.m.)</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. BONANNO: Again, Mr. Eisler, only 2 answer the question if you are aware of 3 communications that would not involve attorneys 4 for Nvidia or outside counsel for Nvidia.</p> <p>5 THE WITNESS: I'm not aware of it being 6 shared with Microsoft.</p> <p>7 BY MS. CALLAN:</p> <p>8 Q And you attended a hearing before the 9 European commission virtually in February of 2023; 10 is that correct?</p> <p>11 A I believe that's accurate, yes.</p> <p>12 Q And did you provide testimony to the 13 European commission?</p> <p>14 MR. BONANNO: Objection to form.</p> <p>15 THE WITNESS: We -- we answered their 16 questions, yes.</p> <p>17 BY MS. CALLAN:</p> <p>18 Q And were your answers to their 19 questions truthful and accurate at the time?</p> <p>20 A Yes, to the best of our -- my -- my 21 knowledge.</p> <p>22 Q And in addition to answering questions, 23 did you provide any affirmative statement?</p> <p>24 MR. BONANNO: Objection to form.</p> <p>25 THE WITNESS: I'm not sure what you --</p>	<p style="text-align: right;">Page 29</p> <p>1 (After recess -- 9:09 a.m.) 2 (Begin Video Recorded Deposition.)</p> <p>3 THE VIDEOGRAPHER: Good morning. We 4 are now going from this point forward on the video 5 record at 1609 UTC time on April 12th, 2023.</p> <p>6 Audio and video recording will continue 7 to take place until all parties agree to go off 8 the record. Please note that microphones are 9 sensitive and pick up whispering and private 10 conversations.</p> <p>11 Counsel may proceed.</p> <p>12 BY MS. CALLAN:</p> <p>13 Q Mr. Eisler, GeForce NOW is Nvidia's 14 cloud gaming service; correct?</p> <p>15 A That's correct.</p> <p>16 Q And GeForce NOW offers an alternative 17 to downloading and playing PC games locally; is 18 that correct?</p> <p>19 A That's correct.</p> <p>20 Q Has Nvidia ever compared the quality of 21 cloud gaming on GeForce NOW to the quality of 22 downloading and playing games locally?</p> <p>23 A We do compare that, yes.</p> <p>24 Q And what have you found?</p> <p>25 A We've found over time that we get</p>

<p style="text-align: right;">Page 30</p> <p>1 closer and closer to the quality of playing 2 locally.</p> <p>3 Q And how does the quality of cloud 4 gaming on GeForce NOW compare to the quality of 5 playing locally today?</p> <p>6 MR. BONANNO: Objection to form.</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 BY MS. CALLAN:</p> <p>13 Q And what do you mean by "increased 14 latency"?</p> <p>15 A The time it takes from clicking on your 16 mouse and the reaction in the game itself.</p> <p>17 Q And when you compared the latency on 18 GeForce NOW to latency playing locally, were you 19 comparing on particular devices?</p> <p>20 A Yes, we compare on many devices that we 21 support.</p> <p>22 Q And does the differences in latency 23 differ depending on the device you're comparing it 24 to?</p> <p>25 A It can make a difference, yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q How does GeForce NOW compare to playing 2 locally on a MAC?</p> <p>3 A It's a --</p> <p>4 MR. BONANNO: Objection to form.</p> <p>5 THE WITNESS: Yeah, it's not quite as 6 good, but it's -- but it's close.</p> <p>7 BY MS. CALLAN:</p> <p>8 Q And you cannot play locally on a TV; 9 correct?</p> <p>10 A You can stream GeForce NOW to a TV. We 11 do support Samsung and LG TVs.</p> <p>12 Q My question was: You cannot play 13 locally on a TV; correct?</p> <p>14 MR. BONANNO: Objection to form.</p> <p>15 THE WITNESS: You cannot install it 16 directly on a TV. You'd have to connect the 17 console to play on a TV.</p> <p>18 BY MS. CALLAN:</p> <p>19 Q So when you're comparing streaming from 20 GeForce NOW to playing locally, what devices are 21 you comparing?</p> <p>22 A Normally we compare it to playing on a 23 PC because we stream PC games.</p> <p>24 Q Okay. Have you compared to consoles?</p> <p>25 A We do that to a lesser extent, but we</p>
<p style="text-align: right;">Page 31</p> <p>1 Q And how does it make a difference?</p> <p>2 A There's -- the device itself has to 3 capture the mouse and keyboard inputs, and then it 4 also has to decode the video coming in, and so 5 certain devices are faster or slower at doing 6 that.</p> <p>7 Q Which devices are slower than GeForce 8 NOW?</p> <p>9 MR. BONANNO: Objection to form.</p> <p>10 I -- I don't totally understand the 11 question. I don't understand the 12 device-to-GeForce NOW comparison, but maybe 13 Ms. Callan misspoke.</p> <p>14 THE WITNESS: Yes, the question is a 15 little strange, and maybe we're not quite 16 understanding each other.</p> <p>17 But GeForce NOW works with a number of 18 different device types, so you can GeForce NOW to 19 a PC, to a MAC, to a TV, to a phone. And, so, 20 what I was explaining earlier was the difference 21 in decoding time of each of those devices amongst 22 GeForce NOW.</p> <p>23 Your question seems to be going in a 24 different angle that I don't quite follow.</p> <p>25 BY MS. CALLAN:</p>	<p style="text-align: right;">Page 33</p> <p>1 do occasionally compare to consoles as well.</p> <p>2 Q And how does GeForce NOW compare to 3 consoles?</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 Q What are the benefits?</p> <p>9 A Our cloud gaming servers are more 10 powerful than consoles, so we're able to run 11 higher resolutions, higher frame rates and add 12 more visual effects.</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>

<p style="text-align: right;">Page 34</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED]</p> <p>9 Q Are you familiar with something called 10 CES?</p> <p>11 A You're referring to the trade show, 12 yes.</p> <p>13 Q And what is CES?</p> <p>14 A It's the Consumer Electronics Show in 15 Las Vegas in January each year.</p> <p>16 Q Does GeForce NOW participate in CES?</p> <p>17 MR. BONANNO: Objection to form.</p> <p>18 THE WITNESS: I mean, Nvidia as a 19 company used to participate directly with the show 20 and have a booth presence there.</p> <p>21 Since COVID times, we have not, I 22 think, been an official one, but we generally have 23 a press suite where we meet with press and 24 partners.</p> <p>25 BY MS. CALLAN:</p>	<p style="text-align: right;">Page 36</p> <p>1 And, so, our -- our idea was to prove 2 that with our latest technology, and one of the 3 things we had implemented was the 240 hertz 4 streaming mode with Reflex that reduced the 5 latency and made it very close to local.</p> <p>6 Q So your goal was to convince press and 7 gamers that playing on GeForce NOW was as good as 8 playing locally; is that correct?</p> <p>9 MR. BONANNO: Objection to form.</p> <p>10 THE WITNESS: Yeah, at least on a -- 11 you know, a moderate- to low-end PC, yes.</p> <p>12 BY MS. CALLAN:</p> <p>13 Q And did you prove that?</p> <p>14 A Yes, I think generally most of the 15 press agreed that they couldn't -- they couldn't 16 tell the difference on a particular game and setup 17 that we had arranged for them.</p> <p>18 Q And about how many members of the press 19 did you make this comparison available to?</p> <p>20 A I wasn't personally there. My product 21 managers and PR people did. But I believe that 22 they normally visit with maybe 20 to 40ish press 23 over the span of a couple of days.</p> <p>24 Q And was the comparison that you did for 25 the press at the January 2023 CES?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q And did Nvidia do something called a 2 Pepsi challenge at CES?</p> <p>3 A In our press suite, we did compare 4 local gaming to that GeForce NOW gaming, yes.</p> <p>5 Q And how did you do that?</p> <p>6 A Sorry. I couldn't hear that question.</p> <p>7 Q How did you do that?</p> <p>8 A We compared GeForce NOW cloud gaming to 9 a -- kind of a -- what we call a min spec PC. So, 10 you know, one of the issues when you do these 11 comparisons is that a local PC is not a consistent 12 device. There's older, cheaper PCs with 13 integrated graphics, and then there's more 14 expensive gaming PCs with high performance. So we 15 tend to compare to the low end of the local 16 experience.</p> <p>17 Q And you did that comparison for press; 18 is that correct?</p> <p>19 A Yes, that's correct.</p> <p>20 Q And what was the purpose of doing that 21 comparison?</p> <p>22 A Yes. Since we've been working on cloud 23 gaming for ten years, we're trying to convince 24 press and gamers that it is as good as playing 25 locally, at least on moderate- to lower-end PCs.</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. BONANNO: Objection to form. I 2 assume by "you," you mean Nvidia, not Mr. Eisler, 3 who just testified he personally did not perform 4 the demonstration.</p> <p>5 THE WITNESS: Yeah, our -- our PR team 6 did the -- the demonstrations in the meetings at 7 CES 2023, but we generally meet with the press 8 every year, so it's -- except for COVID, we've 9 generally met with them each year.</p> <p>10 BY MS. CALLAN:</p> <p>11 Q And have you done these presentations 12 in prior years?</p> <p>13 A We don't always do a Pepsi challenge, 14 but we generally have demonstrations that we show 15 to the press during these CES meetings, yes.</p> <p>16 Q Had you done a Pepsi challenge prior to 17 2023?</p> <p>18 MR. BONANNO: Objection to form.</p> <p>19 THE WITNESS: I recall that we did 20 something similar a few years earlier. It wasn't 21 exactly as good, but we have compared to local 22 play before, yes.</p> <p>23 BY MS. CALLAN:</p> <p>24 Q And in January of 2023, you introduced 25 a new ultimate membership for GeForce NOW; is that</p>

<p style="text-align: right;">Page 38</p> <p>1 correct?</p> <p>2 A That's correct, yes.</p> <p>3 Q And what is included in the ultimate</p> <p>4 membership?</p> <p>5 A It uses our latest high-performance GPU</p> <p>6 called the Ada generation, which we also call the</p> <p>7 RTX 4080. And, so, that provides greater</p> <p>8 performance and enables 4K resolution and</p> <p>9 streaming up to 240 frames per second.</p> <p>10 Q And what is -- what is Ada?</p> <p>11 A Ada is the name of our latest</p> <p>12 generation of GPUs from Nvidia, the code name.</p> <p>13 Q And what is RTX 4080?</p> <p>14 A RTX is the -- the brand name or product</p> <p>15 name of one of our higher performance GeForce</p> <p>16 cards that we also use to brand this -- this new</p> <p>17 level of performance on GeForce NOW.</p> <p>18 Q And I'd like to show you a document</p> <p>19 that's been premarked PX3141.</p> <p>20 (PX Deposition Exhibit 3141 was</p> <p>21 identified for the record and attached to the</p> <p>22 transcript.)</p> <p>23 BY MS. CALLAN:</p> <p>24 Q I think if you refresh, you'll see it</p> <p>25 there now.</p>	<p style="text-align: right;">Page 40</p> <p>1 Q Is there a difference between Ada and</p> <p>2 Ada Lovelace?</p> <p>3 A We've taken -- our code names are named</p> <p>4 after scientists, so the full name is Ada</p> <p>5 Lovelace, but we generally shorten it to just call</p> <p>6 it Ada.</p> <p>7 Q And the new hardware GeForce NOW is</p> <p>8 using has more than five times the graphics</p> <p>9 horsepower of an Xbox Series X; is that correct?</p> <p>10 A Measured by teraflops, that's correct.</p> <p>11 Q And what are teraflops?</p> <p>12 A It's -- it's a form of measuring</p> <p>13 instructions computed per second. Floating-point</p> <p>14 operations per second is the "flops" part, and</p> <p>15 tera is, I think, more than a billion. It's a</p> <p>16 lot.</p> <p>17 Q And how do you know that the new</p> <p>18 hardware GeForce NOW is using has more than five</p> <p>19 point -- times the graphics horsepower of an Xbox</p> <p>20 Series X?</p> <p>21 A Generally, most computer systems</p> <p>22 publish their teraflops level, and so Microsoft</p> <p>23 has published the teraflops of an Xbox Series X.</p> <p>24 And we also publish it ourselves; our architects</p> <p>25 and scientists will compute these numbers. And,</p>
<p style="text-align: right;">Page 39</p> <p>1 A I see the document. I just want to</p> <p>2 scan it here.</p> <p>3 (Witness reviews document.)</p> <p>4 Okay. I've reviewed it.</p> <p>5 Q Do you recognize this document?</p> <p>6 A I do, yes.</p> <p>7 Q What is it?</p> <p>8 A It would have been the press release or</p> <p>9 blog on the announcement of our new 4080 service.</p> <p>10 Q Okay. And the second paragraph on</p> <p>11 PX3141-001 says, Powered by the Nvidia Ada</p> <p>12 Lovelace architecture, upgraded GeForce NOW</p> <p>13 RTX 4080 SuperPODS will deliver over 64 teraflops</p> <p>14 of graphics horsepower to an individual user,</p> <p>15 which is more than five times that of an Xbox</p> <p>16 Series X and nearly 1.7 times over the</p> <p>17 previous-generation SuperPODS.</p> <p>18 Do you see that?</p> <p>19 A I do, yes.</p> <p>20 Q And what is the Nvidia Ada Lovelace</p> <p>21 architecture?</p> <p>22 A That's what I was describing earlier as</p> <p>23 our latest generation of GPU. [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 this is the latest one.</p>	<p style="text-align: right;">Page 41</p> <p>1 therefore, both are published public numbers, and</p> <p>2 you can just do the division to figure out the</p> <p>3 multiplier.</p> <p>4 Q And the last sentence of the third</p> <p>5 paragraph on PX3141-001 says, GeForce NOW achieves</p> <p>6 click-to-pixel latency below 40 milliseconds.</p> <p>7 Do you see that?</p> <p>8 A I do, yes.</p> <p>9 Q And what is click-to-pixel latency?</p> <p>10 A That's the time from when you click the</p> <p>11 mouse until you see the movement on the screen.</p> <p>12 Q And how do you measure latency on</p> <p>13 GeForce NOW?</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 Q And is milliseconds the metric you use</p> <p>20 to measure latency?</p> <p>21 A That's correct. It's measured in</p> <p>22 milliseconds.</p> <p>23 Q And does latency on GeForce NOW vary?</p> <p>24 MR. BONANNO: Objection to form.</p> <p>25 THE WITNESS: It can, yes. I mean, we</p>

<p style="text-align: right;">Page 42</p> <p>1 have sort of three levels of service. So we have 2 the free, the priority, and the ultimate. So 3 depending on which level you select, it can 4 change.</p> <p>5 There's also the round-trip delay to 6 the data center, so depending on how close you are 7 to the data center, it can change.</p> <p>8 I think earlier we mentioned it can 9 vary based on your client decoding performance. 10 So there are a number of ways that latency can be 11 variable, yes.</p> <p>12 BY MS. CALLAN:</p> <p>13 Q So in the press release where GeForce 14 NOW announces below 40 milliseconds of 15 click-to-pixel latency, is that an average?</p> <p>16 A No, that would be more of an optimized 17 case for the new ultimate series. That was 18 measured using the new ultimate series in 19 240-frame-per-second mode with, I think, being 20 relatively close to a data center.</p> <p>21 Q Okay.</p> <p>22 A So it's more on the optimistic side.</p> <p>23 Q And why does proximity to a data center 24 matter?</p> <p>25 A Because the way GeForce NOW works is</p>	<p style="text-align: right;">Page 44</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED]</p> <p>15 Q And is there a minimum latency that's 16 required in order to stream a game from the cloud?</p> <p>17 A I mean, there's no hard rule about 18 that. It boils down to more the feel of the gamer 19 [verbatim] and the gamer, and some gamers in some 20 games are more sensitive to latency than others.</p> <p>21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>
<p style="text-align: right;">Page 43</p> <p>1 the click input has to be sent to the data center 2 to be processed, and the image has to come back. 3 So depending on how far it is away, it affects the 4 milliseconds of latency.</p> <p>5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 45</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED]</p> <p>10 Q How much above 100 milliseconds is 11 Xbox?</p> <p>12 A I don't -- I don't have the numbers at 13 my fingertips right now, so I can't recall the 14 exact numbers.</p> <p>15 Q Is there a minimum TFLOP performance 16 standard?</p> <p>17 A There's no such thing that I'm aware 18 of. It just impacts, you know, your game -- your 19 frame rate and the visual effects that you can do 20 in the time allocated.</p> <p>21 But there's no particular minimum.</p> <p>22 Q How do TFLOPs impact gaming experience?</p> <p>23 A If you have higher TFLOPs, you're 24 generally able to run the game at a higher frame 25 rate, which reduces latency, and you're also able</p>

<p style="text-align: right;">Page 46</p> <p>1 to add more visual effects.</p> <p>2 So most games have settings where you 3 can adjust the visual quality of the game. So if 4 you have low TFLOPs, you would generally scale 5 those down. If you have high TFLOPs, you can 6 scale them up. And there's also a trade-off with 7 your frame rate and latency.</p> <p>8 So having more TFLOPs, performance is 9 better because it gives you more quality and more 10 frame rate and lower latency; and if you have 11 lower TFLOPs, you have lower quality, lower frame 12 rates and higher latency generally.</p> <p>13 Q Does Nvidia have a TFLOP rate that you 14 like to see?</p> <p>15 A More is always better. You know, I 16 mean, that's kind of what we do. I mean, each 17 generation, we add more TFLOPs. So, you know, 18 that's -- sort of part of the GeForce promise is 19 that every couple of years, we add more TFLOPs.</p> <p>20 And then we also have performance by 21 price point, right. So more expensive services or 22 GPUs have higher TFLOPs, and less expensive ones have lower TFLOPs. And then there's also aging of 24 the generation.</p> <p>25 So there's a pretty wide spectrum of</p>	<p style="text-align: right;">Page 48</p> <p>1 capture your answer.</p> <p>2 THE COURT REPORTER: I heard him. I 3 didn't get any garbled sound.</p> <p>4 BY MS. CALLAN:</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 Q And have you received feedback from 25 publishers on the work you've done to reduce</p>
<p style="text-align: right;">Page 47</p> <p>1 TFLOPs that gamers game on, but at the same time, 2 there's a wide spectrum of games and a wide 3 spectrum of settings that they can adjust to 4 accommodate for what they have in their system.</p> <p>5 Q And when cloud gaming was first 6 introduced, were there concerns about latency?</p> <p>7 MR. BONANNO: Objection to form.</p> <p>8 THE WITNESS: I would say that it's 9 been a concern about cloud gaming since pretty 10 much the beginning, yes.</p> <p>11 BY MS. CALLAN:</p> <p>12 Q And what feedback have you received 13 related to latency on GeForce NOW?</p> <p>14 A I mean, the early cloud gaming systems 15 had quite high latency, probably in the 16 200-millisecond range. So it was quite laggy, if 17 you will, for gamers. So gamers were not -- were 18 kind of turned off by that.</p> <p>19 You know, Nvidia in particular has 20 focused a lot on it because we're very gamer 21 focused, and so we have reduced it now down below 22 100 milliseconds and made it enjoyable for the 23 majority of gamers.</p> <p>24 Q You cut out briefly for me. I just 25 want to make sure the court reporter was able to</p>	<p style="text-align: right;">Page 49</p> <p>1 latency?</p> <p>2 A We get a little bit of feedback from 3 publishers. I mean, they -- they test our games, 4 and they -- they generally find that GeForce NOW 5 is the best in terms of latency that they've 6 tried.</p> <p>7 Q So I'm going to turn to another topic. 8 Do you want to take a break, or are you okay to 9 keep going?</p> <p>10 A I'm okay for now.</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>

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<p style="text-align: right;">Page 54</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 A That's variable as well depending on</p> <p>10 the machine type. As I mentioned, we have kind of</p> <p>11 three different levels. [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 Q What are the three levels for GeForce</p> <p>14 NOW?</p> <p>15 A We have what we call our free level,</p> <p>16 which runs on a 2060B-type machine. We have the</p> <p>17 priority level, which runs on a 2080D-type</p> <p>18 machine. Then we have the ultimate level, which</p> <p>19 runs on a 4080H-type machine.</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 56</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>
<p style="text-align: right;">Page 55</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 57</p> <p>1 [REDACTED]</p> <p>2 BY MS. CALLAN:</p> <p>3 Q I would like to show you a document</p> <p>4 that has been premarked PX3144.</p> <p>5 (PX Deposition Exhibit 3144 was</p> <p>6 identified for the record and attached to the</p> <p>7 transcript.)</p> <p>8 MS. CALLAN: And for the record, PX3144</p> <p>9 is a presentation titled GFN Business Review -</p> <p>10 November 2022, and it's dated December 13th, 2022.</p> <p>11 BY MS. CALLAN:</p> <p>12 Q And this is a longer deck. I'm only</p> <p>13 going to ask you about the slide on PX3052-013.</p> <p>14 MR. BONANNO: Can you wait a beat,</p> <p>15 Ms. Callan? I do not have the exhibit in front of</p> <p>16 me.</p> <p>17 Mr. Eisler, do you?</p> <p>18 THE WITNESS: It's 3144? Is that the</p> <p>19 one you're talking about?</p> <p>20 BY MS. CALLAN:</p> <p>21 Q Correct.</p> <p>22 A I just received it.</p> <p>23 And you want me to look in particular</p> <p>24 at what slide?</p> <p>25 MR. BONANNO: Mr. Eisler, you should</p>

<p style="text-align: right;">Page 58</p> <p>1 take as much time as you need to review the 2 document and familiarize yourself with it before 3 answering any questions.</p> <p>4 BY MS. CALLAN:</p> <p>5 Q So take your time with the document. 6 The only page that I have questions about ends in 7 013.</p> <p>8 MR. BONANNO: Take as much time as you 9 need, Mr. Eisler.</p> <p>10 THE WITNESS: (Reviews document.)</p> <p>11 Okay. Sorry. I've scanned the general 12 document. Which slide in particular do you want 13 me to look at?</p> <p>14 BY MS. CALLAN:</p> <p>15 Q 013.</p> <p>16 A So slide 13, okay. Okay.</p> <p>17 Q Do you recognize this document?</p> <p>18 A Yes, I do.</p> <p>19 Q What is it?</p> <p>20 A It's the profit and loss statement 21 calculated by finance for the cloud gaming 22 business.</p> <p>23 Q Okay. And PX3144-013 shows GeForce 24 NOW's P&L for fiscal year '23; is that correct?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">Page 60</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>
<p style="text-align: right;">Page 59</p> <p>1 Q And what is JFF?</p> <p>2 A That's called a -- it stands for judged 3 forward forecast, so that's, you know, a forecast 4 for the future period that hasn't occurred yet as 5 opposed to the actual, which is ACT. 6 It's a forecast, basically.</p> <p>7 Q And when was Nvidia's fiscal year for 8 FY23?</p> <p>9 A Our fiscal year starts one month 10 offset, so it starts on February 1st, and it's 11 always, like, a year ahead. So that's, like, 12 essentially 2022, except it's -- ends at the end 13 of January.</p> <p>14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 A That's correct.</p> <p>21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 61</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 Q So what happens if more than 50,000 8 users try to play concurrently? 9 A So I mentioned we have, you know, the 10 three tiers of service. Two of them are paid and 11 one of them is free. And, so, our commitment to 12 the paid users is that they don't wait, so 13 generally they do -- they get priority and they 14 don't wait. 15 But we inform the free users that if we 16 are busy, they will have to wait. And, so, 17 essentially the free users begin to queue when 18 we're full.</p> <p>19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>

<p style="text-align: right;">Page 62</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 64</p> <p>1 A We do, yes.</p> <p>2 Q And is there a field where users can</p> <p>3 type a response?</p> <p>4 A In the -- in those surveys, yes.</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 MR. BONANNO: While we're waiting for</p> <p>18 that document to load, let me ask, Mr. Eisler,</p> <p>19 we've been going for a little while this leg.</p> <p>20 Would you like to take a break now? I know also</p> <p>21 the court reporter may want a break to rest her</p> <p>22 fingers.</p> <p>23 THE WITNESS: I'm okay. I'm more</p> <p>24 concerned about the lengthy break I need for</p> <p>25 lunch, but if the court reporter needs time,</p>
<p style="text-align: right;">Page 63</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 Q And GeForce NOW surveys its users about</p> <p>7 the content users would like to see on GeForce</p> <p>8 NOW; correct?</p> <p>9 A Yes, we do.</p> <p>10 Q And how do those surveys work?</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED].</p> <p>23 Q And in those surveys, do you ask users</p> <p>24 about what titles they would like to see on</p> <p>25 GeForce NOW that are not currently on GeForce NOW?</p>	<p style="text-align: right;">Page 65</p> <p>1 that's okay, too.</p> <p>2 MS. CALLAN: We can finish with this</p> <p>3 document and then take a break, if that works for</p> <p>4 the group.</p> <p>5 THE COURT REPORTER: Sounds good to me.</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>

<p style="text-align: right;">Page 66</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] :</p>	<p style="text-align: right;">Page 68</p> <p>1 record at 1704 UTC time. 2 (Recess -- 10:04 a.m.) 3 (After recess -- 10:15 a.m.) 4 THE VIDEOGRAPHER: We are going back on 5 the record at 1715 UTC time. 6 BY MS. CALLAN: 7 Q Mr. Eisler, GeForce NOW started off 8 with a free beta version in 2017; is that correct? 9 A Yes, that's correct. 10 Q And did any publishers express any 11 concerns about the user experience on GeForce NOW 12 during the beta period? 13 A You know, we -- we have interactions 14 with a lot of different publishers, and so I'm not 15 aware of all the conversations. But, in general, 16 it wasn't -- it wasn't a big concern that I was 17 aware of. 18 Q Were there concerns that you were aware 19 of? 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>
<p style="text-align: right;">Page 67</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED]</p> <p>MS. CALLAN: Okay. I think we can go off the record and take a break.</p> <p>THE WITNESS: Okay. Thanks.</p> <p>THE VIDEOGRAPHER: We are going off the</p>	<p style="text-align: right;">Page 69</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED]</p> <p>Q Approximately how many publishers participated in the beta version of GeForce NOW?</p> <p>A I don't recall the exact number back then, but I think we had, you know, maybe around a dozen to start out with.</p> <p>Q Did more publishers join GeForce NOW during the beta period?</p> <p>A Yeah, we had kind of a continual increase in games. You know, depending on how far back you're going, like, we originally started out with a product called Grid which had only, I think, about 40 games, and then today we have over 300 publishers. So they've kind of joined over time.</p>

<p style="text-align: right;">Page 70</p> <p>1 Q And approximately how many users did 2 you have during the beta period?</p> <p>3 A Now you're going way back in my memory. 4 If I recall, it was probably [REDACTED] 5 but I'm -- I'm having trouble remembering back 6 that far.</p> <p>7 Q And Activision games were available in 8 GeForce NOW during the beta period; is that 9 correct?</p> <p>10 A We had a number of their games on the 11 service during that time frame, yes.</p> <p>12 Q And did Activision agree to make their 13 games available on GeForce NOW?</p> <p>14 A We worked primarily through a contact 15 at Blizzard, which is part of Activision, and so 16 they were definitely supportive of our games being 17 there during the beta period.</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 72</p> <p>1 A Call of Duty popularity does tend to go 2 up and down depending on where they are in their 3 release cycles and what events they have going on, 4 so its popularity does tend to go up and down.</p> <p>5 Q And why do release cycles impact the 6 popularity of Call of Duty titles?</p> <p>7 A Just building marketing awareness and 8 events, and so generally when new titles are 9 released, there's a lot of marketing associated 10 with it, which gets users' awareness up and then 11 they want to play it, and so they play it quite a 12 bit.</p> <p>13 And then over time, the engagement 14 tends to wane somewhat until the next marketing 15 event or -- or change or update to titles.</p> <p>16 Q And were some Call of Duty titles more 17 popular than others?</p> <p>18 A Sure. You know, some of the newer, 19 more popular ones are typically used more than the 20 older ones; although, there are some favorites 21 that people tend to go back to and play.</p> <p>22 Q What about the free-to-play Call of 23 Duty title? Was that available during the beta 24 period?</p> <p>25 A Back then, they didn't have a</p>
<p style="text-align: right;">Page 71</p> <p>1 [REDACTED]</p> <p>2 Q And how long were Activision games 3 available on GeForce NOW during the beta period?</p> <p>4 A Again, you're going way back in my 5 memory. I don't remember the exact period, but it 6 was -- and -- I think around six months or so, but 7 I'm trying to remember back in that time period. 8 Maybe longer.</p> <p>9 Q And does GeForce NOW measure the 10 popularity of titles on its service?</p> <p>11 A Always we do that, yes.</p> <p>12 Q And how do you measure the popularity 13 of titles on GeForce NOW?</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 Q And were Call of Duty titles available 17 on GeForce NOW during the beta period?</p> <p>18 A There were some titles on there, yes.</p> <p>19 Q And when Call of Duty titles were on 20 GeForce NOW, were they popular?</p> <p>21 A Call of Duty is always quite popular, 22 yes, so it was one of the more popular titles, if 23 I recall.</p> <p>24 Q Did the popularity of Call of Duty vary 25 over time?</p>	<p style="text-align: right;">Page 73</p> <p>1 free-to-play version. That came later. So we did 2 not have the free-to-play version on the service.</p> <p>3 Q Would you expect the free-to-play Call 4 of Duty title to be popular on GeForce NOW?</p> <p>5 A Definitely. [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 Q And are there any other Call of Duty 19 titles that you would expect to be popular on 20 GeForce NOW?</p> <p>21 A Your microphone is a little muffled. 22 Expect to be what?</p> <p>23 Q Popular on GeForce NOW.</p> <p>24 A You know, generally we like to be what 25 we call day and date with new releases. So as</p>

<p style="text-align: right;">Page 74</p> <p>1 they release new titles, those are generally 2 popular, you know, the marketing events. The 3 free-to-play helps quite a bit, so that would be 4 more popular.</p> <p>5 And then across Blizzard Activision 6 altogether, we find that the Overwatch series was 7 popular back then, and they now have a 8 free-to-play version of Overwatch. So I would 9 expect the new Overwatch 2 to be quite popular on 10 GeForce NOW as well.</p> <p>11 Q And why is Overwatch popular on GeForce 12 NOW?</p> <p>13 A I mean, it's a popular game in general, 14 and so generally, you know, popular games in the 15 PC gaming space are also popular on GeForce NOW.</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 So I would expect that both Call of 20 Duty Warzone, which is a free-to-play version, and 21 the new Overwatch 2, which is free to play, would 22 both probably be top ten titles on GeForce NOW if 23 they were available.</p> <p>24 Q And you launched GeForce NOW 25 commercially in February of 2022; correct?</p>	<p style="text-align: right;">Page 76</p> <p>1 Ms. Callan, I don't know whether 2 there's papers around your microphone or 3 something, but I'm personally having a hard time 4 making out your questions.</p> <p>5 I don't know, Mr. Eisler, if you're 6 having the same problem.</p> <p>7 THE WITNESS: It's also a little 8 muffled, yes.</p> <p>9 THE VIDEOGRAPHER: Did counsel want to 10 go off the record for a moment to try to see if we 11 can solve this?</p> <p>12 MS. CALLAN: I just pulled my computer 13 closer to me. Is this better?</p> <p>14 THE WITNESS: Much better, yeah.</p> <p>15 MS. BOHANON: Significantly.</p> <p>16 MS. CALLAN: Okay. Great.</p> <p>17 BY MS. CALLAN:</p> <p>18 Q I'll ask the question again. When 19 Activision removed its games from GeForce NOW, how 20 did GeForce NOW users react?</p> <p>21 MR. BONANNO: Objection to form.</p> <p>22 THE WITNESS: They were -- they were -- 23 they were upset by it. I mean, they -- they 24 expected the games to be continued, and they 25 were -- they were, I think, upset at both</p>
<p style="text-align: right;">Page 75</p> <p>1 A That's correct.</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 Q And when Activision removed its games 24 from GeForce NOW, how did GeForce NOW users react?</p> <p>25 MR. BONANNO: Objection to form.</p>	<p style="text-align: right;">Page 77</p> <p>1 Activision and Nvidia for not finding a way to 2 keep the titles there.</p> <p>3 BY MS. CALLAN:</p> <p>4 Q You broke up again for me. I just want 5 to make sure the court reporter was able to hear 6 your answer.</p> <p>7 It looks like she did. I'm just 8 looking at the realtime.</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED].</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED].</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>



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1	[REDACTED] ?	1	[REDACTED]
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4	[REDACTED]	4	[REDACTED]
5	[REDACTED]	5	[REDACTED].
6	[REDACTED]	6	[REDACTED]
7	[REDACTED]	7	[REDACTED]
8	[REDACTED]	8	[REDACTED]
9	[REDACTED]	9	[REDACTED]
10	[REDACTED]	10	[REDACTED]
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10	Q I'd like to show you a document that																																																																																																								
11	has been premarked PX2391.																																																																																																								
12	(PX Deposition Exhibit 2391 was																																																																																																								
13	identified for the record and attached to the																																																																																																								
14	transcript.)																																																																																																								
15	MS. CALLAN: And for the record, PX2391																																																																																																								
16	is a January 2020 email and an attached																																																																																																								
17	presentation from Phil Eisler to Brandon Zien and																																																																																																								
18	Chris Schnakenberg of Activision with the subject																																																																																																								
19	line: Nvidia GFN Update.																																																																																																								
20	BY MS. CALLAN:																																																																																																								
21	Q And you can take as long as you need to																																																																																																								
22	review the document. I'm only going to ask you																																																																																																								
23	about the cover email.																																																																																																								
24	A (Witness reviews document.)																																																																																																								
25	Okay. I'm ready.																																																																																																								

Page 90			Page 92		
1	Q	Do you recognize this document?	1	[REDACTED]	
2	A	I mean, it's a while ago now, but, yes,	2	[REDACTED]	
3		I generally do, yes.	3	[REDACTED]	
4	Q	And what is it?	4	[REDACTED]	
5	A	Yeah, we -- we -- if you're talking	5	[REDACTED]	
6		about the attached document, I mean, these are --	6	[REDACTED]	
7		these are presentations that we create to try to	7	[REDACTED]	
8		encourage publishers to support their games on	8	[REDACTED]	
9		GeForce NOW with, you know, supporting data.	9	[REDACTED]	
10	Q	Okay. You wrote in your cover email to	10	[REDACTED]	
11		Activision, As discussed, your games are still in	11	[REDACTED]	
12		our Search Only category with generic artwork.	12	[REDACTED]	
13		Do you see that?	13	[REDACTED]	
14	A	I do see that, yes.	14	[REDACTED]	
15	Q	What does that mean?	15	[REDACTED]	
16	A	We had -- I mean, if you go to the app	16	[REDACTED]	
17		today, there -- all of the games are listed	17	[REDACTED]	
18		there -- there's about 1,500 of them -- with	18	[REDACTED]	
19		artwork and -- and brand-name titles. So you can	19	[REDACTED]	
20		browse them. You can also search them from the	20	[REDACTED]	
21		search box.	21	[REDACTED]	
22		[REDACTED]	22	[REDACTED]	
23		[REDACTED]	23	[REDACTED]	
24		[REDACTED]	24	[REDACTED]	
25		[REDACTED]	25	[REDACTED]	
Page 91			Page 93		
1	[REDACTED]		1	[REDACTED]	
2	[REDACTED]		2	[REDACTED]	
3	[REDACTED]		3	[REDACTED]	
4	[REDACTED]		4	[REDACTED]	
5	[REDACTED]		5	[REDACTED]	
6	[REDACTED]		6	[REDACTED]	
7	[REDACTED]		7	[REDACTED]	
8	[REDACTED]		8	[REDACTED]	
9	[REDACTED]		9	[REDACTED]	
10	[REDACTED]		10	[REDACTED]	
11	[REDACTED]		11	[REDACTED]	
12	[REDACTED]		12	[REDACTED]	
13	[REDACTED]		13	[REDACTED]	
14	[REDACTED]		14	[REDACTED]	
15	[REDACTED]		15	[REDACTED]	
16	[REDACTED]		16	[REDACTED]	
17	[REDACTED]		17	[REDACTED]	
18	[REDACTED]		18	[REDACTED]	
19	[REDACTED]		19	[REDACTED]	
20	[REDACTED]		20	[REDACTED]	
21	[REDACTED]		21	Q	And Bethesda made its games available
22			22		on GeForce NOW during the beta period; correct?
23			23	A	They were also on there, yes.
24			24		[REDACTED]
25			25	[REDACTED]	

<p style="text-align: right;">Page 94</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED]. 9 [REDACTED]. 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED]</p> <p>18 MR. BONANNO: Objection to form. 19 Mischaracterizes the witness' prior testimony.</p> <p>20 [REDACTED] [REDACTED] [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 96</p> <p>1 Q And after the commercial launch of 2 GeForce NOW in February of 2020, Microsoft 3 acquired Bethesda; correct?</p> <p>4 A Yes, Microsoft did acquire Bethesda.</p> <p>5 Q And what happened to the Bethesda 6 titles that were on GeForce NOW at that time?</p> <p>7 A Microsoft asked us to remove them.</p> <p>8 Q And do you know who asked to remove the 9 Bethesda titles that were still on GeForce NOW 10 after Microsoft acquired Bethesda?</p> <p>11 A I don't recall who did. [REDACTED]</p> <p>12 [REDACTED] 13 [REDACTED]</p> <p>14 Q Do you know if the request came from 15 Microsoft?</p> <p>16 A I don't remember whether it came from 17 Microsoft or Bethesda. Again, that would be 18 something -- I mean, generally the -- the direct 19 communication is through [REDACTED] 20 [REDACTED].</p> <p>21 Q If we turn back to PX3104, I'd like to 22 ask you about the slide ending in 021.</p> <p>23 For the record, this slide has an 24 excerpt of a March 2021 email with the subject 25 line, quote, Removal of Bethesda Games from Nvidia</p>
<p style="text-align: right;">Page 95</p> <p>1 [REDACTED] 2 [REDACTED], 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED]</p> <p>8 BY MS. CALLAN:</p> <p>9 Q And when GeForce NOW transitioned to a 10 commercial service, what happened?</p> <p>11 A They also asked us to remove titles and 12 were interested in -- [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 Q And did Bethesda allow GeForce NOW to 15 keep any titles on its service?</p> <p>16 A They eventually allowed us to bring one 17 or two back. I think Youngblood was one of them, 18 and -- but they never brought back the whole 19 catalog.</p> <p>20 Q Was Quake II the other title?</p> <p>21 A I'm sorry. What was the question?</p> <p>22 Q Was Quake II the other title that 23 Bethesda allowed GeForce NOW to keep on its 24 service after commercialization?</p> <p>25 A I believe that's correct.</p>	<p style="text-align: right;">Page 97</p> <p>1 GFN.</p> <p>2 A Okay.</p> <p>3 Q Do you recognize this slide?</p> <p>4 A I do, yes.</p> <p>5 Q And what is it?</p> <p>6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED]</p> <p>12 Q And this excerpt was included in your 13 presentation to the CMA; correct?</p> <p>14 A This was part of that documentation 15 set, yes.</p> <p>16 Q And what is your understanding of why 17 this email was included in the presentation to the 18 CMA?</p> <p>19 MR. BONANNO: Objection.</p> <p>20 Mr. Eisler, I just caution you not to 21 reveal any of the substance of communications 22 you've had with lawyers.</p> <p>23 THE WITNESS: I believe at the time the 24 intent was to show that Microsoft was not that 25 supportive of cloud gaming.</p>

<p style="text-align: right;">Page 98</p> <p>1 BY MS. CALLAN:</p> <p>2 Q And in this email, [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 Do you see that?</p> <p>8 A I do see that, yes.</p> <p>9 Q So this email was sent after Microsoft</p> <p>10 acquired these titles from Bethesda; correct?</p> <p>11 A That's correct.</p> <p>12 Q And did Microsoft give a reason why</p> <p>13 they were taking these two titles down?</p> <p>14 A I don't recall. I mean, I -- you know,</p> <p>15 [REDACTED] that would have spoken</p> <p>16 directly with them about it.</p> <p>17 Q Did anyone communicate to you any</p> <p>18 reason that Microsoft was taking the titles down?</p> <p>19 A I recall that they just said, you know,</p> <p>20 not for now; that they just wanted them down. I</p> <p>21 don't think a reason was really given.</p> <p>22 Q Did anyone at Nvidia have any</p> <p>23 discussions with Microsoft about putting Bethesda</p> <p>24 titles back on GeForce NOW before the proposed</p> <p>25 transaction was announced in January of 2020?</p>	<p style="text-align: right;">Page 100</p> <p>1 and we removed them.</p> <p>2 Q Did that include Minecraft?</p> <p>3 A That did include Minecraft.</p> <p>4 Q Do you know how long Minecraft was on</p> <p>5 GeForce NOW before it was taken down?</p> <p>6 A I don't remember the exact time frame,</p> <p>7 but it was, you know, I think six months to a</p> <p>8 year, during the beta period.</p> <p>9 Q And did Microsoft give a reason as to</p> <p>10 why they were taking their first-party titles</p> <p>11 down?</p> <p>12 A I don't recall the exact reasons</p> <p>13 stated, but it's usually something like, we're</p> <p>14 still evaluating our cloud gaming strategy, or</p> <p>15 something like that.</p> <p>16 Q And what did you understand that to</p> <p>17 mean that they're still evaluating their cloud</p> <p>18 gaming strategy?</p> <p>19 A I mean, I'm guessing what they mean by</p> <p>20 that, but it could mean lots of things. I mean, I</p> <p>21 think some of them want, you know, economic</p> <p>22 incentives. They want to figure out if they can</p> <p>23 make more money from it, or maybe they're building</p> <p>24 their own thing in-house.</p> <p>25 So it could mean lots of things, but</p>
<p style="text-align: right;">Page 99</p> <p>1 [REDACTED]</p> <p>2 [REDACTED],</p> <p>3 [REDACTED] [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 But I think he's -- their job is to</p> <p>6 continually try to get titles on there, so I would</p> <p>7 imagine that he did, but I am not certain of that.</p> <p>8 And Lauren works with Microsoft, so she would have</p> <p>9 been speaking to Microsoft.</p> <p>10 So I think -- [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 Q And Microsoft made its first-party</p> <p>14 games available on GeForce NOW for the beta</p> <p>15 period; is that correct?</p> <p>16 A We did have a few games. In</p> <p>17 particular, Minecraft was quite popular back then.</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 Q And when GeForce NOW transitioned to a</p> <p>23 commercial service, what happened with Microsoft</p> <p>24 first-party titles?</p> <p>25 A They also asked that they be removed,</p>	<p style="text-align: right;">Page 101</p> <p>1 it's hard to say.</p> <p>2 MS. CALLAN: I'm going to switch</p> <p>3 topics. Do you want to take a break, or do you</p> <p>4 want to keep going for 30 minutes until you take</p> <p>5 the longer break?</p> <p>6 THE WITNESS: Yeah, I'm okay to keep</p> <p>7 going until 11:30 my time.</p> <p>8 MR. BONANNO: Why don't -- before --</p> <p>9 before you ask your next question, Ms. Callan, I</p> <p>10 would like to know how long we've been on the</p> <p>11 record so far.</p> <p>12 MS. CALLAN: Why don't we go off the</p> <p>13 record for a minute and figure out logistics.</p> <p>14 MR. BONANNO: Okay.</p> <p>15 THE VIDEOGRAPHER: We are going off the</p> <p>16 record at 1803 UTC time.</p> <p>17 (Recess -- 11:03 a.m.)</p> <p>18 (After recess -- 11:05 a.m.)</p> <p>19 THE VIDEOGRAPHER: We are going back on</p> <p>20 the record at 1805 UTC time.</p> <p>21 BY MS. CALLAN:</p> <p>22 Q Mr. Eisler, Nvidia and Microsoft</p> <p>23 entered into a GeForce NOW listing agreement in</p> <p>24 February of 2023; is that correct?</p> <p>25 A That's correct.</p>

	Page 102	Page 104
1	Q And the same day, you entered into a	1 [REDACTED]
2	[REDACTED] correct?	2 [REDACTED]
3	A That's correct.	3 [REDACTED]
4	[REDACTED]	4 [REDACTED]
5	[REDACTED]	5 [REDACTED]
6	[REDACTED].	6 [REDACTED]
7	[REDACTED]	7 [REDACTED]
8	[REDACTED]	8 [REDACTED]
9	[REDACTED]	9 [REDACTED]
10	[REDACTED]	10 [REDACTED]
11	[REDACTED]	11 [REDACTED]
12	[REDACTED]	12 [REDACTED]
13	[REDACTED]	13 [REDACTED]
14	[REDACTED]	14 [REDACTED]
15	[REDACTED]	15 [REDACTED]
16	[REDACTED]	16 [REDACTED]
17	[REDACTED]	17 [REDACTED]
18	[REDACTED]	18 [REDACTED]
19	[REDACTED]	19 [REDACTED]
20	[REDACTED]	20 [REDACTED]
21	[REDACTED]	21 [REDACTED]
22	[REDACTED]	22 [REDACTED]
23	[REDACTED]	23 [REDACTED]
24	[REDACTED]	24 [REDACTED]
25	[REDACTED]	25 [REDACTED]
	Page 103	Page 105
1	[REDACTED]	1 [REDACTED]
2	[REDACTED]	2 [REDACTED]
3	[REDACTED]	3 [REDACTED]
4	[REDACTED]	4 [REDACTED]
5	[REDACTED]	5 [REDACTED]
6	[REDACTED]	6 [REDACTED]
7	[REDACTED]	7 [REDACTED]
8	[REDACTED]	8 [REDACTED]
9	[REDACTED]	9 [REDACTED]
10	[REDACTED]	10 [REDACTED]
11	[REDACTED]	11 [REDACTED]
12	[REDACTED]	12 [REDACTED]
13	[REDACTED]	13 [REDACTED]
14	[REDACTED]	14 [REDACTED]
15	[REDACTED]	15 [REDACTED]
16	[REDACTED]	16 [REDACTED]
17	[REDACTED]	17 [REDACTED]
18	[REDACTED]	18 [REDACTED]
19	[REDACTED]	19 [REDACTED]
20	[REDACTED]	20 [REDACTED]
21	[REDACTED]	21 [REDACTED]
22	[REDACTED]	22 [REDACTED]
23	[REDACTED]	23 [REDACTED]
24	[REDACTED]	24 [REDACTED]
25	[REDACTED]	25 [REDACTED]

	Page 106	Page 108
1	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]
	Page 107	Page 109
1	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]

<p style="text-align: right;">Page 110</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED] [REDACTED] [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED] [REDACTED]</p> <p>22 [REDACTED].</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 112</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED].</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 Q I would like to show you another document. This one is premarked PX1781, and this document appears to be the GeForce NOW listing agreement that Nvidia entered into with Microsoft.</p> <p>(PX Deposition Exhibit 1781 was identified for the record and attached to the transcript.)</p> <p>BY MS. CALLAN:</p> <p>Q It should be in Box now.</p> <p>A I see it. I'm just reviewing it.</p> <p>(Witness reviews document.)</p> <p>Okay. I'm ready now.</p>
<p style="text-align: right;">Page 111</p> <p>1 [REDACTED]</p> <p>2 [REDACTED].</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED] [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED].</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 113</p> <p>1 Q Okay. And this is the GeForce NOW listing agreement that Microsoft and Nvidia entered into in February of 2023; is that correct?</p> <p>A That's correct.</p> <p>Q And if you look at the last full paragraph on PX1781-001, this paragraph says, quote, [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 Do you --</p> <p>A Sorry. Which page are you on?</p> <p>Q The page ending 001.</p> <p>A 001. So the first page.</p> <p>Okay. I see. Okay. It's the end of the last full paragraph. Okay. I got it.</p> <p>Q Who proposed this language?</p> <p>[REDACTED]</p> <p>Q What was your understanding of the purpose of this language?</p> <p>MR. BONANNO: Objection.</p> <p>Mr. Eisler, before you answer the question, I caution you not to reveal any communications you had with counsel. Unless you have a separate understanding based on discussions you had directly with Microsoft, don't answer the</p>

1 question. 2 THE WITNESS: Yeah, [REDACTED] 3 [REDACTED] 4 BY MS. CALLAN: 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 Q Have you ever executed another 19 agreement that included this type of statement? 20 MR. BONANNO: Objection to form. 21 THE WITNESS: No. I mean, I -- I don't 22 think I've done a -- another agreement that 23 mentioned the word [REDACTED] 24 before. 25 BY MS. CALLAN:	Page 114	Page 116
1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 Q Do you provide it to every publisher 15 that participates in GeForce NOW? 16 A It's available to all of them, yes. 17 Q How is it available? 18 A Well, there's a -- there's a portal 19 that we provide. I can't guarantee that they use 20 it, but we -- we make it available to them. 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 115	Page 117
1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]		

<p style="text-align: right;">Page 118</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED]</p> <p>4 Q My question was whether you've 5 discussed it internally at Nvidia.</p> <p>6 MR. BONANNO: Objection. Privileged. 7 Don't answer the question.</p> <p>8 MS. CALLAN: Mr. Bonanno, the fact of a 9 discussion with a lawyer is not privileged.</p> <p>10 MR. BONANNO: You're asking about 11 whether he had a discussion internally with Nvidia 12 about this contract's interpretation; that 13 necessarily is calling for the disclosure of legal 14 advice.</p> <p>15 If you want to reformulate your 16 question to exclude lawyers, you can do that and 17 ask a clear question that would exclude the 18 request for provision of legal advice.</p> <p>19 You have not done so.</p> <p>20 BY MS. CALLAN: 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 120</p> <p>1 [REDACTED] 2 [REDACTED]</p> <p>3 MR. BONANNO: Again, Ms. Callan, I 4 assume you are excluding conversations that 5 involve legal counsel. It's not clear from your 6 question.</p> <p>7 BY MS. CALLAN:</p> <p>8 Q Mr. Eisler, you can answer. 9 MR. BONANNO: No, you can't. The 10 question is not clear.</p> <p>11 Objection. Privilege. 12 Don't answer the question.</p> <p>13 You can clarify the question to 14 indicate you want to exclude legal advice, in 15 which case, he could answer.</p> <p>16 BY MS. CALLAN: 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] [REDACTED] [REDACTED]</p>
<p style="text-align: right;">Page 119</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED]</p> <p>20 MR. BONANNO: Again, Mr. Eisler, I'm 21 going to caution you not to reveal any 22 communications or the substance of any 23 communications that happened in the presence of 24 Nvidia legal counsel.</p> <p>25 BY MS. CALLAN:</p>	<p style="text-align: right;">Page 121</p> <p>1 Don't answer the question, Mr. Eisler. 2 The witness just testified his only 3 discussions have been about discussions to obtain 4 legal advice with respect to this provision.</p> <p>5 BY MS. CALLAN: 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] [REDACTED]</p>

<p style="text-align: right;">Page 122</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED]</p> <p>7 A I mean, in that case, Microsoft would 8 have the potential to opt out of Battle.net 9 support.</p> <p>10 Q And this reference to Nvidia's prior 11 feedback, what was that?</p> <p>12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED]</p> <p>16 Q And Microsoft agreed to make Game Pass 17 available on GeForce NOW under this agreement; is 18 that correct?</p> <p>19 A Yes, they did.</p> <p>20 Q Then the term is limited to [REDACTED] 21 [REDACTED] correct?</p> <p>22 A I'm trying to remember the specific 23 term, but I guess on the next page, it is [REDACTED] 24 [REDACTED], that's correct.</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 124</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 A That's correct. 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>
<p style="text-align: right;">Page 123</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED]. 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 125</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED]. 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>

Page 126 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED]. 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED]. 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 128 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] [REDACTED] [REDACTED]. 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]
Page 127 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] [REDACTED] [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 129 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 A I couldn't hear that, Nicole. Q Why is it a matter of debate? 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

Page 130 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] . 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 132 1 [REDACTED] 2 Q I would like to show you another 3 document. This one is premarked PX1784. 4 (PX Deposition Exhibit 1784 was 5 identified for the record and attached to the 6 transcript.) 7 BY MS. CALLAN: 8 Q We're working on getting it uploaded. 9 So while we're waiting, the GeForce NOW listing 10 agreement and the [REDACTED] are separate 11 documents; is that right? 12 A That's correct. 13 Q And why are they separate documents? 14 MR. BONANNO: Objection to form. No 15 foundation. Privileged. 16 Mr. Eisler, to the extent you can 17 answer the question based on information you did 18 not receive from lawyers, you're free to do so. 19 But if it involves the company's 20 counsel, please don't respond to the question. 21 THE WITNESS: I mean, they're kind of 22 like apples and oranges. They're very different 23 products and licenses. So it just made sense, I 24 think, to keep them separate. 25 BY MS. CALLAN:
Page 131 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] . 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] . 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 133 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] . 5 [REDACTED] 6 [REDACTED] . 7 BY MS. CALLAN: 8 Q Did Microsoft ask to -- scratch that. 9 MS. CALLAN: Do you have the 10 document -- okay. 11 BY MS. CALLAN: 12 Q If you could open PX1784. 13 A I have it open now. 14 Q Okay. Until recently, [REDACTED] 15 [REDACTED]; is that 16 right? 17 A That's correct. 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

	Page 134	Page 136
1	[REDACTED]	[REDACTED]
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7	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]
13	[REDACTED].	[REDACTED]
14	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]
19	[REDACTED] .	[REDACTED]
20	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]
22	BY MS. CALLAN:	
23	Q If you turn to paragraph 7 of PX1784 --	
24	And that's on the page ending in 001.	
25	-- in the middle of that paragraph it	
	Page 135	Page 137
1	says, quote, [REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	
6	Do you see that?	
7	A Yeah, I see that.	
8	Q And I apologize, I should have asked,	
9	PX1784 is the [REDACTED]	
10	[REDACTED] is that correct?	
11	A That's correct.	
12	Q Okay. [REDACTED]	
13	[REDACTED]	
14	[REDACTED]	
15	[REDACTED]	
16	[REDACTED]	
17	[REDACTED]	
18	[REDACTED]	
19	[REDACTED]	
20	[REDACTED]	
21	[REDACTED]	
22	[REDACTED]	
23	[REDACTED]	
24	[REDACTED]	
25	[REDACTED]	

<p style="text-align: center;">Page 138</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED]. 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED]. 11 [REDACTED] 12 [REDACTED]. 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 Q And how does Microsoft set the price of 18 its Windows server license? 19 A I don't know how they do it. I imagine 20 they get in a room somewhere and they calculate 21 it. 22 Q Does Microsoft increase the price of 23 the server license that you were paying? 24 A Yeah. They have, under the standard 25 agreement that we signed through the distributor,</p>	<p style="text-align: center;">Page 140</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED]. 6 [REDACTED] 7 [REDACTED] 8 [REDACTED]. 9 [REDACTED] 10 [REDACTED]. 11 [REDACTED] 12 [REDACTED]. 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED]. 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>
<p style="text-align: center;">Page 139</p> <p>1 the ability to raise it once annually, which they 2 typically do. [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 Q So Microsoft has been increasing the 6 price of its Windows server license every year; is 7 that correct? 8 A Almost every year. I think there was 9 maybe one year they didn't, but typically they do 10 every year. 11 Q And by approximately how much does 12 Microsoft increase the price of its Windows server 13 license for GeForce NOW each year? 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED]. 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED], 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: center;">Page 141</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED]: 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>

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1	[REDACTED]	[REDACTED]
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15	[REDACTED]	[REDACTED]
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20	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]

<p style="text-align: right;">Page 146</p> <p>1 [REDACTED] 2 [REDACTED]. 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED]</p> <p>16 MS. CALLAN: Thank you, Mr. Eisler. I 17 don't have any more questions at this time, but I 18 will reserve the remaining time for redirect. 19 MS. ARNOLD: Okay. Let's go off the 20 record, then.</p> <p>21 Nicole, I think if we could figure out 22 how much time you have for redirect, I think that 23 would be helpful. If we could take a ten-minute 24 break, and then I can start.</p> <p>25 MS. CALLAN: Okay.</p>	<p style="text-align: right;">Page 148</p> <p>1 for a good part of your testimony this morning and 2 afternoon; is that correct? 3 A That's correct. 4 Q All right. And this agreement was 5 signed on February 20th, 2023; is that correct? 6 A That's correct. 7 Q By Mr. Fisher for Nvidia and Ms. Sarah 8 Bond for Microsoft Corporation; is that correct? 9 A That's correct. 10 Q And does this agreement accurately 11 reflect the terms that were agreed to by Nvidia 12 and by Microsoft as a result of the negotiations 13 that you've been testifying about today? 14 A It reflects the game listing part. 15 [REDACTED] but it 16 reflects all of the game listing terms, yes. 17 Q Okay. I want to ask you about a 18 paragraph on the very first page of that document 19 that you were actually asked about earlier today. 20 It's the last full paragraph of that first page 21 that starts, "Nvidia has responded." 22 And let me know when you see that 23 paragraph. 24 A I see it. 25 Q All right. And that states, [REDACTED]</p>
<p style="text-align: right;">Page 147</p> <p>1 THE VIDEOGRAPHER: We are going off the 2 record at 2046 UTC time. 3 (Recess -- 1:47 p.m.) 4 (After recess -- 2:00 p.m.) 5 THE VIDEOGRAPHER: We are going back on 6 the record at 2059 UTC time.</p> <p>7 EXAMINATION BY COUNSEL FOR MICROSOFT 8 BY MS. ARNOLD: 9 Q Good afternoon, Mr. Eisler. My name is 10 Keri Arnold, and I represent Microsoft in this 11 case, and I have some follow-up questions for you 12 this afternoon, okay? 13 A Okay. 14 Q If at any point in time you'd like to 15 take a break, will you please just let me know, 16 and we'd be happy to accommodate you, all right? 17 A Okay. 18 Q I want to start by asking you about a 19 document that's already been used in your 20 deposition. It's been marked as PX1781, and if 21 you could pull that up in your Box and let me know 22 when you're ready. 23 A I have it now. 24 Q All right. And this is the GeForce NOW 25 listing agreement that we've been talking about</p>	<p style="text-align: right;">Page 149</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED]</p> <p>8 Did I read that correctly? 9 A Yes, you did. 10 Q And was that a true statement on 11 February 20th, 2023, when the agreement was first 12 signed? 13 A Yes, that's true. 14 Q And is that still true sitting here 15 today in April of 2023? 16 A Yes, that is still true. 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED], 22 [REDACTED] 23 [REDACTED] [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>

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1	[REDACTED]	[REDACTED]
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9	[REDACTED]	[REDACTED]
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Page 158 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED]. 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED]. 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 160 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 BY MS. ARNOLD: 11 Q Let me just reask the question, 12 Mr. Eisler. 13 You had a chance to review that 14 transcript and make any corrections that were 15 necessary; is that correct? 16 MS. CALLAN: Objection. Leading. 17 THE WITNESS: I did review the 18 transcript, yes. 19 BY MS. ARNOLD: 20 Q All right. Would you please pull up 21 RX0302. 22 A Okay. I have it up now. 23 Q And take a moment to look at it or as 24 much time as you need. [REDACTED] 25 [REDACTED]
Page 159 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 MS. ARNOLD: All right. I'm going to 7 ask for a new document to be pulled up, and we'll 8 have it labeled RX0302. 9 (RX Deposition Exhibit 0302 was 10 identified for the record and attached to the 11 transcript.) 12 [REDACTED] 13 [REDACTED] 14 [REDACTED]. 15 [REDACTED] 16 [REDACTED]; 17 [REDACTED]; 18 [REDACTED] 19 [REDACTED]. 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 161 1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 Q All right. Thank you. You can put 7 that one aside. 8 I'm going to pull up the next document, 9 which will be marked RX0298. 10 (RX Deposition Exhibit 0298 was 11 identified for the record and attached to the 12 transcript.) 13 BY MS. CALLAN: 14 Q And let me know when you have that. 15 A Okay. I'm just reading it now. (Witness reviews document.) 16 Okay. I've -- I've reviewed it. 17 Q Okay. And do you recognize or recall 18 this email exchange? 19 A I do, yes. 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] from 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]

<p style="text-align: center;">Page 162</p> <p>1 [REDACTED].</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED] [REDACTED] [REDACTED]</p> <p>19 [REDACTED] [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED] [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: center;">Page 164</p> <p>1 MS. CALLAN: Objection --</p> <p>2 THE WITNESS: That's about --</p> <p>3 MS. CALLAN: -- to form. Leading.</p> <p>4 THE WITNESS: That's about --</p> <p>5 MS. CALLAN: I'm sorry, sir. If you</p> <p>6 could just pause to give me a moment to put</p> <p>7 objections on the record, I'd appreciate that.</p> <p>8 THE WITNESS: Yes, that's correct.</p> <p>9 BY MS. ARNOLD:</p> <p>10 Q All right. And does that 500 include</p> <p>11 both smaller independent game publishers and</p> <p>12 larger major game publishers as well?</p> <p>13 MS. CALLAN: Objection. Form.</p> <p>14 THE WITNESS: Yes, it includes a</p> <p>15 mixture of smaller and larger publishers.</p> <p>16 BY MS. ARNOLD:</p> <p>17 Q Does GeForce NOW provide games created</p> <p>18 by a company called EA or Electric Arts?</p> <p>19 A Yes, we have some games from Electronic</p> <p>20 Arts.</p> <p>21 Q Okay. Ubisoft?</p> <p>22 A Yes, we have almost all the games from</p> <p>23 Ubisoft.</p> <p>24 Q All right. Epic Games?</p> <p>25 A Yes, we have Epic Games like Fortnite.</p>
<p style="text-align: center;">Page 163</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 BY MS. ARNOLD:</p> <p>15 Q All right. You can set that one aside.</p> <p>16 I want to ask you some general</p> <p>17 questions about GeForce NOW's content just sitting</p> <p>18 here today.</p> <p>19 Am I right that as of today, GeForce</p> <p>20 NOW has over 1,500 games available on the service?</p> <p>21 A That's correct.</p> <p>22 Q All right. And am I correct that you</p> <p>23 provide content, and those over 1,500 games come</p> <p>24 from hundreds of publishers, approximately 500?</p> <p>25 Does that sound about right?</p>	<p style="text-align: center;">Page 165</p> <p>1 Q All right. And Valve as well?</p> <p>2 A Yes, we have Valve games on there as</p> <p>3 well.</p> <p>4 Q Am I correct that GeForce NOW currently</p> <p>5 supports a number of third-party stores such as</p> <p>6 the Ubisoft store; is that correct?</p> <p>7 A Yes, we support multiple stores,</p> <p>8 including the Ubisoft stores, EA store, Valve</p> <p>9 store, Epic store and the GOG store.</p> <p>10 Q All right. And you also support</p> <p>11 subscription services, again, including the</p> <p>12 Ubisoft subscription service; is that right?</p> <p>13 A That's correct. Ubisoft Plus</p> <p>14 subscription service can be played on GeForce NOW.</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED].</p>

<p style="text-align: right;">Page 166</p> <p>1 [REDACTED] 2 [REDACTED]. 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 168</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED]. 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]. 25 [REDACTED]</p>
<p style="text-align: right;">Page 167</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] survey 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED]</p> <p>9 Q Now, we talked earlier -- or you spoke 10 earlier about how during the beta phase GeForce 11 NOW had access to certain ABK titles; is that 12 correct?</p> <p>13 A During our free beta period, we had 14 some of the ABK titles on GeForce NOW, that's 15 correct.</p> <p>16 Q Okay. And one of those titles included 17 Call of Duty; is that correct?</p> <p>18 A That we had --</p> <p>19 MS. CALLAN: Objection --</p> <p>20 THE WITNESS: Sorry, Nicole.</p> <p>21 MS. CALLAN: Objection. Form. 22 Foundation.</p> <p>23 THE WITNESS: Yes, we had, I believe, 24 several versions of Call of Duty on GeForce NOW at 25 that time.</p>	<p style="text-align: right;">Page 169</p> <p>1 [REDACTED]. 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 Q All right. And was October of 2018 9 when Call of Duty was first put on GeForce NOW's 10 service during your beta phase?</p> <p>11 MS. CALLAN: Objection. Form. 12 Foundation.</p> <p>13 THE WITNESS: Yeah, I believe that's 14 the date that it was -- I don't recall the exact 15 dates, but that sounds about right.</p> <p>16 BY MS. ARNOLD:</p> <p>17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED].</p>

<p style="text-align: right;">Page 170</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 Q All right. If we could pull up -- hold 22 on. I just lost my number. Okay. Pull up 23 RX0279. 24 (RX Deposition Exhibit 0279 was 25 identified for the record and attached to the</p>	<p style="text-align: right;">Page 172</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 Q All right. And then if we could pull 12 up RX0281. 13 (RX Deposition Exhibit 0281 was 14 identified for the record and attached to the 15 transcript.) 16 BY MS. CALLAN: 17 Q And, again, just let me know after 18 you've had a chance to look at it. 19 A Okay. 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>
<p style="text-align: right;">Page 171</p> <p>1 transcript.) 2 BY MS. ARNOLD: 3 Q And let me know when you have that. 4 MS. CALLAN: Counsel, I'm still not 5 seeing RX0279 in Box. 6 MS. ARNOLD: I think it just popped up. 7 THE WITNESS: I just got it. 8 BY MS. ARNOLD: 9 Q Okay. Again, take a minute to look at 10 that and let me know when you're ready. 11 A (Witness reviews document.) 12 Okay. I've reviewed it. 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED]. 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 173</p> <p>1 [REDACTED] 2 BY MS. ARNOLD: 3 Q Okay. Now, as of August of 2019, Call 4 of Duty was still available on the beta phase of 5 GeForce NOW; is that correct? 6 MS. CALLAN: Objection. Leading. 7 THE WITNESS: Yes, that's correct. 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>

<p style="text-align: right;">Page 174</p> <p>1 [REDACTED]</p> <p>2 I wanted to ask you a few follow-up</p> <p>3 questions about the period of time when GeForce</p> <p>4 NOW was switching from its beta mode to the</p> <p>5 commercial phase, okay?</p> <p>6 A Sure.</p> <p>7 Q And I think you testified earlier today</p> <p>8 that the start of GeForce NOW's beta period was in</p> <p>9 2017; is that correct?</p> <p>10 A I don't remember the exact date</p> <p>11 offhand, but I think that's about correct.</p> <p>12 Q Okay. And you exited the beta phase in</p> <p>13 February of 2020. Does that sound about right?</p> <p>14 A That sounds about right.</p> <p>15 Q Now, earlier today Ms. Callan asked you</p> <p>16 about a number of companies who asked for their</p> <p>17 games to be removed when GeForce NOW switched from</p> <p>18 its beta phase to its commercial phase.</p> <p>19 Do you recall those questions?</p> <p>20 A I do.</p> <p>21 MS. CALLAN: Objection to form.</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 176</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>
<p style="text-align: right;">Page 175</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 177</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 Q Okay. And I believe you said that</p> <p>20 there were two titles that actually remained on</p> <p>21 GeForce NOW as of February 2020; is that right?</p> <p>22 A Yeah, I don't recall whether they</p> <p>23 remained or they left and came back. My mind's a</p> <p>24 little fuzzy on that. I think they might have</p> <p>25 actually left and come back, but they were -- they</p>

1 did -- they did reappear. 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] . 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] .	Page 178	Page 180
1 [REDACTED] . 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED], 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] . 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] . 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]	Page 179	Page 181

	Page 182	Page 184
1	[REDACTED]	[REDACTED]
2	[REDACTED]	[REDACTED]
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4	[REDACTED]	[REDACTED]
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6	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]
8	[REDACTED]	[REDACTED]
9	[REDACTED]	[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
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13	[REDACTED]	[REDACTED]
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20	[REDACTED]	[REDACTED]
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22	[REDACTED]	[REDACTED]
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	Page 183	Page 185
1	[REDACTED]	[REDACTED]
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9	[REDACTED]	[REDACTED]
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12	[REDACTED]	[REDACTED]
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20	[REDACTED]	[REDACTED]
21	[REDACTED]	[REDACTED]
22	[REDACTED]	[REDACTED]
23	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]
25	[REDACTED]	[REDACTED]

<p style="text-align: right;">Page 186</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED] [REDACTED]</p> <p>6 [REDACTED] [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 MS. ARNOLD: Mr. Eisler, I think I'm</p> <p>9 about done, but what I would like to do is take a</p> <p>10 ten-minute break, and then we can go back on the</p> <p>11 record, and I'll ask any remaining questions I</p> <p>12 might have.</p> <p>13 THE WITNESS: Okay. I'll be back at</p> <p>14 three o'clock my time. Thanks.</p> <p>15 THE VIDEOGRAPHER: Very well. We are</p> <p>16 going off the record at 2147 UTC time.</p> <p>17 (Recess -- 2:47 p.m.)</p> <p>18 (After recess -- 3:00 p.m.)</p> <p>19 THE VIDEOGRAPHER: We are going back on</p> <p>20 the record at 2200 UTC time.</p> <p>21 BY MS. ARNOLD:</p> <p>22 Q All right. Mr. Eisler, I just have a</p> <p>23 few final questions for you this afternoon.</p> <p>24 [REDACTED]</p> <p>25 [REDACTED] [REDACTED]</p>	<p style="text-align: right;">Page 188</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED] [REDACTED] [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 BY MS. ARNOLD:</p> <p>20 Q Okay. Would you pull up for me a</p> <p>21 document that's been previously marked as PX3157.</p> <p>22 A Okay. I have it now.</p> <p>23 Q All right. And you were asked about</p> <p>24 this earlier. Just take a moment to refresh your</p> <p>25 recollection about this one, and let me know when</p>
<p style="text-align: right;">Page 187</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 189</p> <p>1 you're ready.</p> <p>2 A (Witness reviews document.)</p> <p>3 Yes, I have it now.</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>

<p style="text-align: right;">Page 190</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 192</p> <p>1 MS. ARNOLD: Mr. Eisler, I don't have</p> <p>2 any further questions for you right now. I very</p> <p>3 much appreciate your time and patience this</p> <p>4 afternoon.</p> <p>5 THE WITNESS: Thank you.</p> <p>6 MS. CALLAN: I have a few more</p> <p>7 questions for you. Let's take a five-minute</p> <p>8 break, and then I can promise I won't have more</p> <p>9 than 12 minutes of questions for you, and then we</p> <p>10 can wrap up.</p> <p>11 THE WITNESS: Okay. Thanks.</p> <p>12 THE VIDEOGRAPHER: We are going off the</p> <p>13 record at 2206 UTC time.</p> <p>14 (Recess -- 3:06 p.m.)</p> <p>15 (After recess -- 3:15 p.m.)</p> <p>16 THE VIDEOGRAPHER: We are going back on</p> <p>17 the record at 2215 UTC time.</p> <p>18 EXAMINATION BY COUNSEL</p> <p>19 FOR THE FEDERAL TRADE COMMISSION</p> <p>20 BY MS. CALLAN:</p> <p>21 Q Mr. Eisler, can you pull up RX0278,</p> <p>22 please.</p> <p>23 And for the record, this is a document</p> <p>24 that Ms. Arnold showed you earlier today with the</p> <p>25 title GeForce NOW KPIs, and it's dated</p>
<p style="text-align: right;">Page 191</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 Q All right. Thank you. You can set</p> <p>15 that document aside.</p> <p>16 Throughout your testimony today, you've</p> <p>17 referenced testimony that you've given to various</p> <p>18 regulators, including the European commission and</p> <p>19 the CMA.</p> <p>20 Has the testimony that you've provided</p> <p>21 to those regulatory bodies been true and accurate</p> <p>22 to the best of your knowledge at the time that you</p> <p>23 gave that testimony?</p> <p>24 A Yes, it has been.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 193</p> <p>1 October 2018.</p> <p>2 A Okay. I have it now.</p> <p>3 Q This document was created during the</p> <p>4 beta phase for GeForce NOW; correct?</p> <p>5 A That's correct.</p> <p>6 Q And was GeForce NOW free at this time?</p> <p>7 A It was free during our beta period,</p> <p>8 yes.</p> <p>9 Q Do you know approximately how many</p> <p>10 users GeForce NOW had in the fall of 2018?</p> <p>11 A I think this document may actually have</p> <p>12 that answer somewhere.</p> <p>13 (Witness reviews document.)</p> <p>14 I think it was around [REDACTED] if I</p> <p>15 recall. It's showing the registered users there.</p> <p>16 And this is in when? This is October. So it's</p> <p>17 showing we registered actually about [REDACTED] users</p> <p>18 at that point.</p> <p>19 Q Do you know approximately how many of</p> <p>20 the registered users were active on the service at</p> <p>21 this time?</p> <p>22 A Yeah. So if you go down to slide 4, it</p> <p>23 says that on October, the monthly active users</p> <p>24 were [REDACTED] to be exact.</p> <p>25 Q Okay. And what was Nvidia's strategy</p>

<p style="text-align: right;">Page 194</p> <p>1 for GeForce NOW in the fall of 2018?</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED].</p> <p>8 Q And if you turn to the slide that ends</p> <p>9 in 005, does this show that [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 A Let me just look at this in detail.</p> <p>13 The slide isn't the best quality here, but . . .</p> <p>14 (Witness reviews document.)</p> <p>15 The frequent users are -- you know,</p> <p>16 it's hard to estimate the percentage there, but it</p> <p>17 looks like about [REDACTED] of -- of the play</p> <p>18 hours. I don't think it actually says how many of</p> <p>19 the frequent users there are on this slide, so</p> <p>20 it's a little hard to deduce how many there are</p> <p>21 from this slide.</p> <p>22 But this is just saying that the</p> <p>23 frequent users play about [REDACTED] of the time</p> <p>24 on the service, and that their average hours</p> <p>25 played each is in the -- you know, close to [REDACTED]</p>	<p style="text-align: right;">Page 196</p> <p>1 [REDACTED]</p> <p>2 Q And Ms. Arnold asked you about</p> <p>3 RX0278-010 [sic]. Could you turn to that page?</p> <p>4 A I have it up now.</p> <p>5 Q You're faster than me.</p> <p>6 At the bottom it says, quote, [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 Do you see that?</p> <p>9 A I do see that, yes.</p> <p>10 [REDACTED]</p> <p>11 A You know, Activision has many versions</p> <p>12 of Call of Duty. They tend to release one every</p> <p>13 year or two, and so they have maybe a dozen</p> <p>14 different versions. Black Ops 4 is -- is one that</p> <p>15 was popular back then.</p> <p>16 Q And how did GeForce NOW decide which</p> <p>17 versions of Call of Duty to put on GeForce NOW?</p> <p>18 A We generally strive to put the most</p> <p>19 popular versions on, but we also consult with the</p> <p>20 publishers about which versions to put on.</p> <p>21 Q And did users need to purchase Black</p> <p>22 Ops 4 in order to play it on GeForce NOW?</p> <p>23 A They either needed to purchase it or</p> <p>24 already own it. So the way that GeForce NOW is,</p> <p>25 we can -- we can verify your ownership against the</p>
<p style="text-align: right;">Page 195</p> <p>1 hours a month. It doesn't really say how many of</p> <p>2 them there are. Maybe the previous chart does.</p> <p>3 Yeah, the previous chart says that the</p> <p>4 frequent users are [REDACTED] so that's [REDACTED],</p> <p>5 roughly. So</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 A Yeah, that's approximate by looking at</p> <p>11 those graphs, yes.</p> <p>12 Q Okay. I asked you about Nvidia's</p> <p>13 strategy for GeForce NOW in the fall of 2018.</p> <p>14 Were there any particular categories of</p> <p>15 gamers that you were targeting at that time?</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED];</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p>	<p style="text-align: right;">Page 197</p> <p>1 store platform.</p> <p>2 So I believe in this case, it was</p> <p>3 supported on Battle.net, and so you could log into</p> <p>4 Battle.net. And if you already owned it, you</p> <p>5 could play it; but if you don't own it, you could</p> <p>6 buy it and then play it.</p> <p>7 Q And if you already owned it, that would</p> <p>8 also be because you purchased it; correct?</p> <p>9 A You would have purchased it previously,</p> <p>10 yes.</p> <p>11 Q And do you know the price point for</p> <p>12 Call of Duty: Black Ops 4 at this time?</p> <p>13 A I don't recall at that time, but</p> <p>14 normally the launch price for new games is about</p> <p>15 \$60, and then it tends to decline over time. So I</p> <p>16 think this game was relatively new at that point,</p> <p>17 so it may have been a \$60 game.</p> <p>18 Q And according to the chart on</p> <p>19 RX0278-0010, the most popular title at this time</p> <p>20 on GeForce NOW was Fortnite; is that correct?</p> <p>21 A That's correct.</p> <p>22 Q Do users need to purchase Fortnite in</p> <p>23 order to play it on GeForce NOW?</p> <p>24 A No. Fortnite is a free-to-play game.</p> <p>25 Q And did Nvidia do any marketing when</p>

<p style="text-align: right;">Page 198</p> <p>1 Call of Duty: Black Ops 4 became available on 2 GeForce NOW?</p> <p>3 A I don't recall back then. We generally 4 do weekly marketing beats when new titles come to 5 the surface, so we may have back then, but I don't 6 recall.</p> <p>7 Q We talked earlier today about 8 Activision titles being search only. Do you 9 recall if Call of Duty: Black Ops 4 was search 10 only at this time?</p> <p>11 A My memory was, you know, initially they 12 were fully supported with game assets, and then we 13 transitioned to the search-only state for a period 14 of time.</p> <p>15 I don't remember the specific 16 transitions from when it went, you know, fully 17 available with assets to -- to search only. I 18 think it was a little bit after this if my memory 19 serves me correctly.</p> <p>20 Q And who would know the answer?</p> <p>21 A I would probably have to talk to my 22 team about it, but there's a person on my team 23 responsible for game onboarding, and he would 24 probably have to search back through his records 25 to find out, but we probably could find out if</p>	<p style="text-align: right;">Page 200</p> <p>1 MR. BONANNO: So I guess a couple of 2 things. One, we're going to talk about that next 3 deposition given how today went because I think 4 this was, for the record, a tremendous waste of 5 time for Mr. Eisler given how you've used your 6 time in the deposition today.</p> <p>7 Number two, I think you're 8 mischaracterizing what Mr. Eisler said about 9 whether the document you are requesting exists. 10 The meeting was cancelled for today. I'll follow 11 up and have discussions with my client after today 12 and get back to you on your request.</p> <p>13 I would ask that you make it through 14 the appropriate channels, not at the end of the 15 deposition, and we'll follow up accordingly.</p> <p>16 Three, just before we close the record, 17 I want to reiterate that today's deposition, 18 Nvidia will be marking as highly confidential or 19 confidential under the applicable protective 20 order.</p> <p>21 There was highly sensitive Nvidia 22 business secrets that were discussed throughout 23 Mr. Eisler's testimony, and they should be treated 24 accordingly under all applicable statutes and 25 regulations.</p>
<p style="text-align: right;">Page 199</p> <p>1 that's important.</p> <p>2 Q Okay. And where would he search?</p> <p>3 MR. BONANNO: Objection to form. No 4 foundation.</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 MS. CALLAN: All right. I have no 15 further questions at this time for you, 16 Mr. Eisler.</p> <p>17 Mr. Bonanno, I did have one question 18 for you. Mr. Eisler testified earlier today about 19 a GeForce NOW business review that was analyzing 20 profitability in light of the Nvidia-Microsoft 21 agreement that he was going to present today if he 22 wasn't here with us today.</p> <p>23 I'd like to ask that you produce that 24 document as soon as possible and, in any event, 25 before our next deposition in this matter.</p>	<p style="text-align: right;">Page 201</p> <p>1 MS. CALLAN: Okay. I think we're done 2 here. Mr. Eisler, thank you for your time.</p> <p>3 THE VIDEOGRAPHER: Very well. Before 4 we complete for the day, we ask that any party 5 wishing to order a copy of the video in either MP4 6 or video sync please do so now along with your 7 transcript order.</p> <p>8 If you are unable to decide at this 9 time and wish to be contacted, please state that 10 on the record along with your preferred contact's 11 information.</p> <p>12 MS. CALLAN: Yeah, we're not going to 13 make a decision at this time, so you can contact 14 me on behalf of the FTC.</p> <p>15 THE VIDEOGRAPHER: Okay. If -- I would 16 please ask just put the emails in the chat, and I 17 can put them in my notes and pass them along.</p> <p>18 MS. ARNOLD: And my understanding is we 19 have a standard order, and we'd ask just that you 20 follow that for this deposition.</p> <p>21 THE VIDEOGRAPHER: Yes, ma'am.</p> <p>22 MS. ARNOLD: Thank you.</p> <p>23 MR. BONANNO: Phil, you can go ahead 24 and go. You're done for the day. Thank you very 25 much.</p>

	Page 206	
1	ACKNOWLEDGMENT OF DEPONENT	
2	I, Phillip Eisler, do hereby	
3	acknowledge that I have read and examined the	
4	foregoing testimony, and the same is a true,	
5	correct and complete transcription of the	
6	testimony given by me and any corrections appear	
7	on the attached Errata sheet signed by me.	
8		
9		
10		
11	_____	
12	(DATE) _____ (SIGNATURE)	
13		
14		
15	CERTIFICATE OF NOTARY PUBLIC	
16	Sworn and subscribed to before me this	
17	_____ day of _____, _____	
18		
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20	_____	
21	NOTARY PUBLIC	MY COMMISSION EXPIRES
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